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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.606 OF 2021

S.Vasantharaj  
S/o, Selvaraj

... Petitioner/Owner of the Vehicle

Versus

State: rep by its  
The Inspector of Police,  
P.E.Wing Police Station,  
Kottakuppam,  
Villupuram District.

... Respondent/Complainant

PRAYER:

Criminal Revision Petition filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records of the case CrI.M.P.No.589 of 2021 in Crime No.189 of 2021 on the file of the court below allow of Revision Petition and set aside the order dated 23.08.2021 passed by the learned Judicial Magistrate, Vanur and grant relief sought for under Section 451 Cr.P.C.

For Petitioner : Mr.P.Murali  
for Mr.G.Tamil Selvan

For Respondent : Mr.M.Sugendran  
Government Advocate,  
(Criminal Side)

ORDER

This Criminal Revision Case has been filed against the order dated 23.08.2021 passed in CrI.M.P.No.589 of 2021 on the file of the learned Judicial Magistrate, Vanur.



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2. It is the case of the petitioner that the respondent police registered a case in Crime No.189 of 2021 against the petitioner's friend for the offence under Section 4(1) (a), 4(1-A), 14 A of Tamil Nadu Prohibition Act and seized the vehicle viz., Yamaha FZ Two wheeler bearing Reg.No.PY-01-CL-9806. The petitioner filed a petition under Section 451 and 457 Cr.P.C in CrI.M.P.No.589 of 2021 seeking interim custody of the vehicle. The learned Judicial Magistrate, Vanur by an order 23.08.2021, dismissed the petition, against which, the present Criminal Revision Case is filed before this Court.

3. The case of the prosecution is that on 30.05.2021 when the respondent/police checking the vehicles at Killyanur circle near Ramanathapuram main road, they intercepted the Yamaha FZ Two wheeler bearing Reg.No.PY-01-CL-9806, and interrogated the petitioner's friend, who drove the alleged vehicle. On suspicion, they searched the vehicle and found 20 bottles of I.D.Arrack and hence, the case in Crime No.189 of 2021 was registered against the petitioner's friend for the offence under Section 4(1) (a), 4(1-A), 14 A of Tamil Nadu Prohibition, Act, 1937 and seized the above said vehicle.

4.The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and he is no way connected with the alleged offence. Therefore, he seeks interim custody of the said vehicle and that the petitioner would abide by stringent conditions, if any, to be imposed on him.

5.The learned Government Advocate (CrI.Side) appearing for the respondent would submit that since the petitioner was alleged to have used the said vehicle for illegal transportation of liquor bottles, show cause notice was issued to the petitioner and confiscation proceedings initiated and hence, the vehicle in question cannot be released at this stage.

6.This Court considered the rival submissions and perused the materials available on record.

7.On a perusal of records, it is seen that the respondent police registered the case in Crime No.189 of 2021 against the petitioner's friend for the offence under Section 4(1) (a), 4(1-A), 14 A of Tamil Nadu Prohibition, Act, 1937 and also seized the vehicle. Pending investigation, the petitioner filed a



petition for interim custody of the vehicle, however, the same was dismissed by the Court below.

8. Considering the facts and circumstances of the case and that the vehicle is kept in the open space and exposed to heat, rain and dust and also considering the fact that the Government itself is doing business of selling alcohol through TASMAL Shops, it is very easy for the public to access the subject matter liquor, this Court directs the learned Judicial Magistrate, Vanur, to return the vehicle Yamaha FZ Two wheeler bearing Reg.No.PY-01-CL-9806, to the petitioner, on the following conditions:-

(i) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Magistrate, on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicle;

(ii) The petitioner shall not alter or alienate the vehicle in any manner till confiscation proceedings is over;

(iii) The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), as non-refundable deposit through RTGS/NEFT in favour of the Joint Secretary & Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, e-mail: [jscmprf@tn.gov.in](mailto:jscmprf@tn.gov.in) or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and on such payment and production of proof, the vehicle shall be returned;

(iv) The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent or the Court below as well as by the District Collector of the District or authorized officer in that behalf by the Government;



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(v)The petitioner shall participate in the confiscation proceedings, if any initiated, and shall produce the vehicle, before the confiscation authority. This order is subjected to the confiscation proceedings.

9.With the above directions, the Criminal Revision Case is allowed by setting aside the order dated 23.08.2021 passed in CrI.M.P.No.589 of 2021 on the file of the learned Judicial Magistrate, Vanur.

Sd/-  
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

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To

1. The Judicial Magistrate,  
Judicial Magistrate Court,  
Vanur.
2. The Inspector of Police,  
P.E.Wing Police Station,  
Kottakuppam,  
Villupuram District.
3. The District Collector,  
The Collectrate, Villupuram.
4. The Joint Secretary and Treasurer,  
Chief Minister's Public Relief Fund,  
Finance(CMPRF) Department,  
Government of Tamil Nadu, Secretariat,  
Chennai - 600 009.
5. The Public Prosecutor (Criminal Side),  
High Court,  
Madras.

+1cc to Mr.G.Tamil Selvan, Advocate, S.R.No.51514

CRL.R.C.No.606 of 2021

SRA(CO)  
RLP(12/10/2021)