



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRIMINAL REVISION CASE NO.623 OF 2021

Ramesh

... Petitioner

Versus

The State By
The Inspector of Police,
Walajabad Police Station,
Kanchipuram District.
(Crime No.1556 of 2020)

... Respondent

PRAYER:- Criminal Revision Case filed under Section 397 read with 401 Criminal Procedure Code, to call for the records relating to the order dated 06.01.2021 made in CrI.M.P.No.265 of 2021, in Crime No.1556 of 2020 on the file of the learned Judicial Magistrate No.II, Kanchipuram and to set aside the same and direct the respondent herein, to return the vehicle viz., TATA Motors Ltd., Car (Tata Tiagoxz), Registration No.TN-21-BH-0465, Engine No.REVTRNO2DRYK34848, Chassis No.MAT626281JKD37634.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.S.Sugendran
Government Advocate (CrI.Side)

O R D E R

This Criminal Revision Case has been filed, seeking a direction to set aside the dismissal order dated 06.01.2021 in C.M.P.No.265 of 2020, passed by the learned Judicial Magistrate No.II, Kanchipuram and for a consequential direction to return the vehicle viz., TATA Motors Ltd., Car (Tata Tiagoxz), Registration No.TN-21-BH-0465, Engine No.REVTRNO2 DRYK 34848, Chassis No.MAT626281JKD37634, to the petitioner, which was seized in Crime No.1556 of 2020, by the Inspector of Police, Walajabad Police Station, Kanchipuram District.

2. The petitioner/accused claims to be the owner of the vehicle viz., Motor Car (Sunburst_Org Colour), bearing



Registration No.TN-21-BH-0465, Engine No.REVTRNO2DRYK34848, Chassis No.MAT626281JKD37634. He had filed a petition, under Section 451 & 457 of Cr.P.C., in Crl.M.P.No.265 of 2020 for releasing the said four wheeler vehicle, which was seized in connection with Crime No.1556 of 2020. The learned Judicial Magistrate No.II, Kanchipuram, by an order, dated 06.01.2021 dismissed the petition, against which, the present Criminal Revision Case before this Court.

3. The case of the prosecution is that on 16.08.2020, the petitioner parked his vehilce, at his brother's house. At the time, for default of payment of monthly installement to the bank, the respondent/police seized the petitioner's vehicle. But, on the date of seizure, the vehicle was not under the custody of the petitioner and the same was not driven by him. Howevr, the respondent/police registered a case in Crime No.1556 of 2020, for the offence under Section 4(i)(aaa) and 4(1-A) of Tamil Nadu Prohibition, Act, 1937 r/w Section 6 & 7 of the Tamil Nadu Rectified Spirit Rules 2000, and also arrested his brother. Later, the petitioner came to know all the above, he filed a petition under Section 451 & 457 of Cr.P.C., before the learned Judicial Magistrate No.II, Kanchipuram, in Crl.M.P.No.265 of 2021, to direct the respondent/police to release the above said Car, but the same was dismissed. Hence, the present revision.

4. The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and he had parked the above said vehicle in his brother's house, other than that, he has not done anything. The respondent/police seized the said vehicle for the above said alleged offences. The petitioner never indulged in any such offence as alleged by the prosecution, even at the time of arrest, the vehicle was not under the custody of the petitioner and the same was not driven by him. The respondent/police have foisted a false case against the petitioner. Further, he would submit that the vehicle is exposed to sun light in a open space and thereby, the condition of the vehicle is getting deteriorated day by day, thereby, he filed a petition in Crl.M.P.No.265 of 2021 before the learned Judicial Magistrate No.II, Kancheepuram, for return of vehicle. The learned Magistrate without considering the fact, simply dismissed the petition by order dated 06.01.2021. Therefore, the present revision has been filed before this Court seeking an interim custody of the said vehicle and that the petitioner is prepared to abide by stringent conditions, if any, to be imposed on him.

5. The learned Government Advocate (Crl. Side) appearing for the respondent/police would submit that already show cause notice was issued to the petitioner and confiscation proceedings is yet to be taken up. Therefore, the learned Government



Advocate prayed for dismissal of the revision, with a direction to the petitioner to await for the outcome of the confiscation proceedings.

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 case was registered in Crime No.1556 of 2020 and the above said vehicle was seized. Pending investigation, the petitioner filed a petition for releasing his vehicle, however, the same was dismissed by the Court below. 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, this Court directs the learned Judicial Magistrate No.II, Kancheepuram, to return the vehicle TATA Motors Ltd., Car (Tata Tiagoxz), bearing Registration No.TN-21-BH-0465, to the petitioner, on the following conditions:-

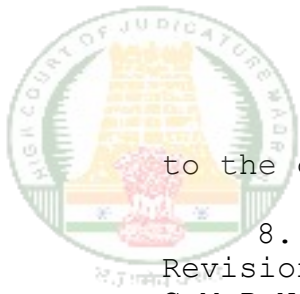
(i) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Magistrate, on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use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

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

(iii) The petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only), as non-refundable deposit through RGS/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 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;

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



to the outcome of the confiscation proceedings.

8. With the above observations and directions, the Criminal Revision Case is allowed by setting aside the order passed in C.M.P.No.265 of 2020, dated 06.01.2021 by the learned Judicial Magistrate No.II, Kancheepuram.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate Court No.II,
Kancheepuram District.
2. -Do- Thro The Chief Judicial Magistrate,
Kancheepuram.
3. The Inspector of Police,
Walajabad Police Station,
Kancheepuram District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Saranraj, Advocate, S.R.No.53257

CRL.R.C.NO.623 OF 2021

VGII(CO)
PBS/08/12/2021