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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.R.C.No.731 of 2021

Manohar,
S/o, Elumalai

...Petitioner

Versus

State By,
The Inspector of Police,
C1-Uthukottai Police Station,
Thiruvallore District.

...Respondent

PRAYER: Criminal Revision Petition filed under Section 397 & 401 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.1694 of 2021 dated 29.07.2021 on the file of the District Munsif Cum Judicial Magistrate, Uthukottai and further direct the respondents to return the petitioner's vehicle "Mahindra Scorpio Car" " White Colour" bearing Registration Number TN 20 BQ 0002" seized in Crime No.318 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.Raj Tilak
Additional Public Prosecutor

ORDER

This Criminal Revision Petition has been filed against the dismissal order dated 29.07.2021 passed in Crl.M.P.No.1694 of 2021 on the file of the District Munsif Cum Judicial Magistrate, Uthukottai, seeking to return the petitioner's vehicle "Mahindra Scorpio Car" bearing Registration No. TN 20 BQ 0002" seized in Crime No.318 of 2021 on the file of the respondent police.

2. Learned counsel for the petitioner would submit that he is the owner of the four wheeler bearing Registration No. TN 20 BQ 0002 [Mahindra Scorpio Car], which is alleged to have been involved in the commission of the offence under Prohibition Act in Crime No.318 of 2021 registered by the respondent police. He would submit that the petition seeking interim custody of the vehicle had been dismissed by the trial Judge stating that the



vehicle is liable for confiscation. He would submit that the vehicle has been seized on 03.06.2021 and that he has not been served with the show cause notice till date. He would further submit that the petitioner would abide by the stringent condition, if any, to be imposed by this Court and also prepare to produce the vehicle before respondent as and when directed by the Court.

3. Learned Additional Public Prosecutor would submit that the petitioner was arrested while transporting 255 bottles of I.D arrack in his vehicle and the said vehicle was seized and produced before the concerned Court. He would further submit that though confiscation proceedings have been initiated, notice has not been served on the respondent till date and the petitioner has no other case against him.

4. Taking into consideration of the fact that the show cause notice has not been issued on the petitioner till date, this Court is of the opinion that the interim custody of the vehicle may be granted to the petitioner. Accordingly, the interim custody of the vehicle is granted under the following conditions:

(i) the petitioner is directed to execute a bond for Rs.2,00,000/- (Rupees Two Lakhs Only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Uthukottai.

(ii) The petitioner shall produce the Original RC Book of the vehicle in question before the trial court and file an affidavit of undertaking that he will not dispose or alter the physical features of the vehicle in any manner till confiscation proceedings is over;

(iii) The RC book of the vehicle shall be retained by the Trial Court till the disposal of the trial or until further orders from this Court.

(iv) The petitioner shall produce the vehicle as and when required by the respondent or the Court below.

(v) The respondent is at liberty to continue with the confiscation proceedings. The petitioner shall participate in the confiscation proceedings, if any initiated. This order is subjected to the confiscation proceedings.



5. With the aforesaid directions, the Criminal Revision Case is allowed by setting aside order dated 29.07.2021 passed in Crl.M.P.No.1694 of 2021 on the file of the District Munsif Cum Judicial Magistrate, Uthukottai.

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Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

mfa

To

1. The District Munsif Cum Judicial Magistrate,
District Munsif cum Judicial Magistrate Court,
Uthukottai.
2. The Inspector of Police,
C1-Uthukottai Police Station,
Thiruvallore District.
3. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.S.Silambuselvan, Advocate, S.R.No.57565

CRL.R.C.No.731 of 2021

SS[co]
NSK 03/12/2021