



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.819 of 2021

Rajalakshmi

...Petitioner

Vs.

State Rep. by
The Inspector of Police,
Karungalpalayam Police Station,
Erode,
Erode District.
(Crime No.309/2021)

...Respondent

PRAYER : The Criminal Revision Petition is filed under Section 397 & 401 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P. No.7074 of 2021 dated 29.09.2021 on the file of Judicial Magistrate I, (FTC-I), Erode, Erode District and to allow this revision.

For Petitioner : Ms.Vasavisridevi
for Mr.N.Ramanan

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

O R D E R

This Criminal Revision Petition has been filed against the dismissal of the petition in Crl.M.P. No.7074 of 2021 dated 29.09.2021 on the file of Judicial Magistrate I, (FTC-I), Erode, Erode District.

2. Learned counsel for the petitioner would submit that the petitioner is a lady and that she is the owner of the Two wheeler TVS Scooty Zest bearing Registration No.TN 86 F 2656. The petitioner is a working woman and that her father in law borrowed her vehicle for going to the hospital. He would further submit that without knowledge of the petitioner, the vehicle of the petitioner has been involved in a case registered by the respondent in Crime No.309 of 2021 for the offences punishable under Section 4(1)(a) of TNP Act. Learned counsel would further submit that after enquiry, the respondent found



that the petitioner has not involved in this case and she was added as accused. However, the vehicle has been seized and she has also been issued with show cause notice by the Deputy Superintendent of Police, PEW, Erode District. He would further submit that confiscation proceeding was initiated against the petitioner. However, pendency of the confiscation proceedings is not a bar for the Court to return the vehicle.

3. Mr.S.Sugendran, Learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner is the owner of the scooty vehicle and the vehicle has been used by her father in law Karunakaran for illicit transport of 34 bottles of Indian Made Foreign Liquor. He would further submit that the vehicle has been seized. He would further submit that the learned Magistrate finding that the confiscation proceedings has been initiated, dismissed the petition. He would further submit that the confiscation proceeding is pending.

4. Taking into consideration the fact that the petitioner is not an accused, this Court is of the opinion that the interim custody of the vehicle may be handed over to the petitioner.

5. In view of the above, the order dated dated 29.09.2021 passed in Crl.M.P. No.7074 of 2021 stands set aside and the Criminal Revision Petition stands allowed and the interim custody of the vehicle is directed to be handed over to the petitioner subject to the following conditions:

a) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, FTC-I, Erode District.

b) The petitioner shall produce the Original RC book of the vehicle in question before the concerned Trial Court and file an affidavit of undertaking that she will not dispose or alter physical features of the vehicle and that she will produce the vehicle before the trial Court as and when required by the trial Court or the Investigating Agency.

c) The RC book of the vehicle shall be retained by the trial Court till the disposal of the trial or until further orders.

It is made clear that this order will not prevent the respondent from proceeding with the confiscation proceedings against the petitioner in accordance with law.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

vri/gbi



To

1.The Judicial Magistrate,
FTC-I, Erode,
Erode District.

2.The Inspector of Police,
Karungalpalayam Police Station,
Erode,
Erode District.

3.The Public Prosecutor,
High Court,
Madras.

Cr1.R.C.No.819 of 2021

SR(CO)
RVM(13/12/2021)