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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.R.C.NO.805 OF 2021

Sugandhapriya P

... Petitioner/Owner
of the Vehicle

.Vs.

State Rep. By
The Inspector of Police,
Veerapandi Police Station,
Tiruppur District.
(Crime No.774/2021)

... Respondent/Complainant

PRAYER:- The Criminal Revision Petition is filed under Section 397 & 401 of the Code of Criminal Procedure, to set aside the order passed in Cr.M.P.No.1499 of 2021 dated 06.10.2021 on the file of Judicial Magistrate No.IV, Tiruppur, Tiruppur District and direct the respondent to release the two wheeler "BAJAJ PULSAR" bearing Registration No.TN 39 CL 1602 which was seized in connection with the Cr.No.774 of 2021 on the file of the respondent police to the petitioner.

For Petitioner : Mr.C.S.Saravanan

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.1499 of 2021 dated 06.10.2021 on the file of Judicial Magistrate No.IV, Tiruppur, Tiruppur District.

2. Learned counsel for the petitioner would submit that the petitioner is a lady and she is an owner of the Two wheeler "Bajaj Pulsar", bearing Registration No. TN 39 CL 1602. On 26.06.2021, during the big period of pandemic, one Pradeep Rao,



who is friend of brother in law of the petitioner, had borrowed the vehicle for taking relatives to the hospital and that without the knowledge of the petitioner, the vehicle had been used for illicit transport of 20 bottles of illicit arrack and the respondent has registered a case in Crime No.774 of 2021 for the offences punishable under Section 4(1)(a) of TN Prohibition Act and had arrested the said Pradeep Rao and seized the vehicle. Later, Pradeep Rao was released on bail.

3. Learned counsel for the petitioner would further submit that the vehicle, which has been seized by the respondent in this case, has been parked in the open exposed to vagaries of weather and thereby the value of the vehicle is deteriorating day by day. He would submit that the petitioner had filed a petition seeking for return of property in CrI.M.P.No.1499 of 2021 before the learned Judicial Magistrate No.IV, Tiruppur, seeking for return of property. The Learned Judge had dismissed the petition stating that the vehicle was used for illicit transport of arrack and that on the request of the respondent, the Additional Superintendent of Police, PEW, Tiruppur, had taken steps for confiscating the vehicle.

4. Learned counsel for the petitioner would also submit that the petitioner has been served with notice and he is taking steps to appear for enquiry. He would submit that pending disposal of the confiscation proceedings, the petitioner is also entitled to have interim custody of the vehicle. Learned Counsel for the petitioner would further reiterate that the petitioner is not an accused in this case and the vehicle had been used by the accused without the knowledge of the petitioner and thereby, filed this revision seeking to set aside the order passed by the Judicial Magistrate No.IV, Tiruppur, Tiruppur District and for interim custody of the vehicle.

5. Mr.S.Sugendran, Learned Government Advocate(CrI.Side) appearing for the respondent would submit that the vehicle of the petitioner was used by Pradeep Rao for transport of illicit liquor and the vehicle was seized on 26.06.2021. He would further submit that on the request of the respondent, Additional Superintendent of Police, PEW, Tiruppur had taken steps to confiscate the vehicle. However, he would further submit that notice has been served on the petitioner and the proceeding is pending.

6. 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.

7. In view of the above, the order dated 06.10.2021 passed in CrI.M.P.No.1499 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No. IV, Tiruppur, Tiruppur 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(CO)

//True Copy//

Sub Assistant Registrar

vri/rgi

To

1. The Judicial Magistrate No. IV,
Tiruppur, Tiruppur District.
2. The Inspector of Police,
Veerapandi Police Station,
Tiruppur District.

Copy To:-

The Additional Superintendent of Police (PEW),
Tiruppur.

CRL.R.C.NO.805 OF 2021

NMI (CO)
PBS/07/12/2021