



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.815 of 2021

Rajakuruvi

... Petitioner

Vs.

State rep. by
The Inspector of Police,
J-12, Kanathur Police Station.
Cr.No.37/2021

... Respondent

PRAYER: The Criminal Revision Petition is filed under Section 397 & 401 of the Code of Criminal Procedure, to call for records in Crl.M.P.No.1386 of 2021 on the file of the Judicial Magistrate-II, Alandur dated 11.10.2021, set aside the same and direct the respondent to release the petitioner's vehicle TATA Super Ace Mint BS IV, Reg No. TN 21 BA 4594 Engine No. 14CRAIL10GUYS63401, Chasis No.MAT483154FYG10812 to the petitioner.

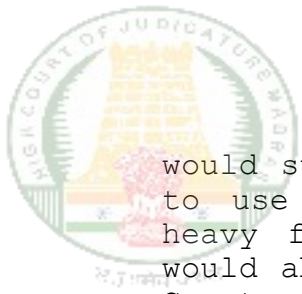
For Petitioner : Ms.S.Sengkodi

For Respondent : Mr.S.Sugendran
Government Advocate [Crl. Side]

O R D E R

This Criminal Revision Petition has been filed challenging the dismissal of the petition filed, seeking for return of property.

2.Learned counsel for the petitioner would submit that the petitioner is the owner of a TATA Super Ace Mint BS IV, Reg No. TN 21 BA 4594 Engine No. 14CRAIL10GUYS63401, Chasis No.MAT483154FYG10812. He would submit that without the knowledge of the petitioner, the vehicle was used by the employees for illicit transport of tobacco products in respect of which the respondent has registered a case in Crime No.37 of 2021 under Section 7 and 20(2) of Cigarette and other Tobacco Products Act 2003 and Section 328 of IPC. He would further submit that the petitioner is not an accused. The vehicle has been seized and it is now in the custody of the respondent police. He would further submit that the vehicle is parked in open exposed to vagaries of weather and thereby, the value of the vehicle is deteriorating day by day. He



would submit that the petitioner is unable to put the vehicle to use and the petitioner is suffering and also incurring heavy financial loss. He would submit that the petitioner would abide by any stringent conditions to be imposed by this Court and he would be prepared to produce the vehicle before the respondent or before the concerned court as and when required by the Court. He would further submit that the petition filed before the learned Judicial Magistrate II, Alandur was dismissed on 11.10.2021 stating that the investigation is pending.

3. Mr.S.Sugendran, Learned Government Advocate(Crl.Side) appearing for the respondent would submit that the vehicle was used by the accused for illicit transport of banned tobacco substance and the respondent has registered a case in Crime No. 37 of 2021 and the vehicle was seized. He would further submit that the investigation is pending.

4.Heard the learned counsels on both sides and perused the materials on record.

5.Taking into consideration of the facts and circumstances of the case, this Court is of the opinion that the interim custody of the vehicle can be granted to the petitioner.

6.In view of the above, the order dated 11.10.2021 passed in Crl.M.P.No.1386 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:

(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.1,00,000/- (Rupees One Lakh 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 or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFSC 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 subjected to the confiscation proceedings.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vri/shk

To

1. Judicial Magistrate-II,
Alandur.
2. The Inspector of Police,
J-12, Kanathur Police Station.
3. The Public Prosecutor (Crl side),
High Court, Madras.
4. The Record Keeper,
High Court, Madras.

+1cc to Ms.S.Sengkodi, Advocate SR. No.60761

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PA (CO)
PR (15/12/2021)