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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.R.C.NO.881 OF 2021

C.Jagadeesan

... Petitioner/
3rd Party

Vs.

The Inspector of Police,
T-12 Poonamalle Police Station,
Poonamalle,
Tiruvallur District.
(Crime No.830 of 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 Crl.M.P. No.3558 of 2021 dated 08.09.2021 on the file of Judicial Magistrate No.II, Poonamallee.

For Petitioner	:	Mr.C.D.Sugumar
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.3558 of 2021 dated 08.09.2021 on the file of Judicial Magistrate No.II, Poonamallee.

2. Learned counsel for the petitioner would submit that the petitioner is the owner of the Maruthi Suzuki (Sedan) with Registration No.TN 19 AH 4612 with Chasis No.MA3FJEBIS00B43862. The petitioner had lent the vehicle to his friend during the covid pandemic period on their request made by him to lift his



friend to the hospital. However, without the knowledge of the petitioner, the vehicle has been involved in a case registered by the respondent in Crime No.830 of 2021 for the offence under Section 4(1)(a) of TNP Act. He would further submit that the petitioner appeared for enquiry and the respondent finding that the petitioner is not involved, he has not been impleaded. He would submit that the petitioner had filed a petition seeking for return of property in CrI.M.P. No.3558 of 2021 dated 08.09.2021 on the file of Judicial Magistrate No.II, Poonamallee (FAC) seeking for return of property and that the learned Magistrate stating that the confiscation proceedings are pending, had dismissed the application. He would further submit that till date the petitioner has not received any show cause notice from the respondent. 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 diminishing day by day. He would further submit that the petitioner undertakes that the alleged vehicle will not be used for any other illegal activities in future and that the vehicle would be produced before the respondent or the confiscation authorities as and when required for investigation and thereby he would seek for return of property.

3.Mr.S.Sugendran, learned Government Advocate(CrI.Side) appearing for the respondent would submit that the petitioner's vehicle was used for illicit transport of 150 bottles of IMFL liquor. However, he would further submit that the petitioner is not an accused and that the confiscation proceedings has been initiated and that the petitioner is not served with show cause notice till date.

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 08.09.2021 passed in CrI.M.P. No.3558 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.50,000/- (Rupees Fifty Thousand 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, 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 subject to the confiscation proceedings.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vri/shk

To

1. The Judicial Magistrate No.II,
Poonamallee .
2. The Inspector of Police,
T-12 Poonamalle Police Station,
Poonamalle,
Tiruvallur District.



- +1cc to Mr.C.D.Sugumar, Advocate, S.R.No.64421

RSI (CO)
PM/14/12/2021