



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 10.02.2021
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.18 of 2021

Karuppasamy

... Petitioner

Vs.

The Inspector of Police,
Austinpatti Police Station,
Madurai District.
Cr No.105/2020

... Respondent

Prayer : This criminal revision case is filed under Section 397 r/w.401 of Cr.P.C., to call for the records relating to the order dated 07.10.2020 in Crl.M.P.No.832 of 2020 in Crime No.105 of 2020, on the file of the Judicial Magistrate, Thirumangalam and to set aside the same and consequently, to direct the Judicial Magistrate, Thirumangalam to return the vehicle bearing Registration No.TN-58-BZ-9606 to the petitioner.

For Petitioner : Mr.M.Prabhu

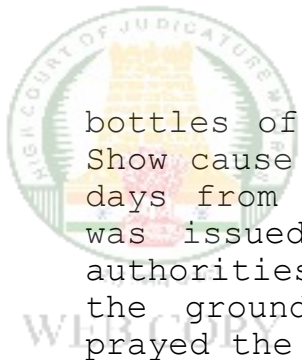
For Respondent : Mrs.S.Bharathi
Government Advocate

ORDER

This Criminal Revision Case has been filed to call for the records relating to the order, dated 07.10.2020, in Crl.M.P.No.832 of 2020, in Crime No.105 of 2020, on the file of the Judicial Magistrate, Thirumangalam and to set aside the same and consequently, to direct the Judicial Magistrate, Thirumangalam to return the vehicle bearing Registration No.TN-58-BZ-9606 to the petitioner.

2.A vehicle viz., Hero Honda Splendor bearing Registration No.TN-58-BZ-9606 was seized by the respondent police in Crime No.105 of 2020, under Sections 4(1)(a), 4(1)(i) of TNP Act. The petitioner claiming himself as the owner of the vehicle filed a petition for return of the vehicle in Cr.M.P.No.832 of 2020 before the Judicial Magistrate, Thirumangalam. That petition was dismissed by the Magistrate, on 07.10.2020. Against the same, the petitioner preferred this Revision.

3.On the side of the revision petitioner, it is stated that the vehicle of the petitioner was borrowed by his friend and the same was seized by the respondent police for illegal transport of 24



bottles of liquor. The petitioner is not an accused in the case. Show cause notice must have been served by the respondents within 14 days from the date of seizure of the vehicle, but, no such notice was issued. No confiscation order was passed by the concerned authorities, but, the trial Court dismissed the petition solely on the ground that the confiscation proceedings are initiated and prayed the vehicle to be returned to the petitioner.

4. On the side of the respondent, it is stated that the vehicle was seized under the Prohibition Act and confiscation proceedings was initiated. Show cause notice was issued to the petitioner and acknowledgement card was received within the stipulated time and prayed the petition to be dismissed.

5. It is seen that the vehicle was seized on 03.04.2020. If the vehicle is kept in the open place, the value of the vehicle will be deteriorated, due to the climatic conditions. Hence, this Court is inclined to allow the petition with certain conditions.

6. Accordingly, this Criminal Revision Case is allowed and the order dated 07.10.2020 in Crl.M.P.No.832 of 2020 in Crime No.105 of 2020, on the file of the Judicial Magistrate, Thirumangalam, is hereby set aside and the vehicle / two wheeler is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

(i)The petitioner shall deposit the original Registration Certificate of the vehicle before the Judicial Magistrate, Thirumangalam;

(ii)The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Fifty Thousand only) with two sureties for a like sum to the satisfaction of the Judicial Magistrate, Thirumangalam, ;

(iii)The petitioner shall not alienate and shall not make any alterations in the vehicle;

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

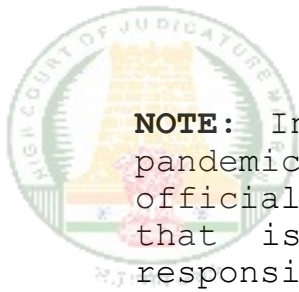
Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

- 1.The Judicial Magistrate,
Thirumangalam
- 2.The Inspector of Police,
Austinpatti Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.18 of 2021

10.02.2021

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