



WEB COPY

Crl. R.C.(MD)No.36 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 29.01.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.36 of 2021

U.Arjun

.. Petitioner/Owner of the vehicle

Vs.

The Inspector of Police,
Thideer Nagar Police Station,
Madurai City.
(Crime No.797/2020)

.. Respondent/Complainant

Prayer : This criminal revision case filed under Section 397 r/w. Section 401 of Cr.P.C., to set aside the order, dated 04.01.2021 made in Crl.M.P.No.1224 of 2020 on the file of the Judicial Magistrate No.5, Madurai and to allow the above criminal revision.

For Petitioner : Mr.C.Gangai Amaran

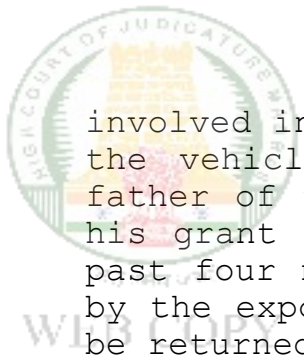
For Respondents : Mr.S.Chandra Sekar
Additional Public Prosecutor

ORDER

This revision has been filed to set aside the order, dated 04.01.2021 made in Crl.M.P.No.1224 of 2020, on the file of the Judicial Magistrate No.V, Madurai.

2. An Innova Crystal Car bearing Registration No. TN-63-BJ-0063 was seized by the respondent police in Crime No.797 of 2020, under Sections 406 and 420 I.P.C. The petitioner claiming himself as the owner of the vehicle, filed a petition for return of the vehicle before the Judicial Magistrate No.V, Madurai, in Cr.M.P.No.1224 of 2020. That petition was dismissed by the lower Court. Against the same, the petitioner preferred this Revision.

3. On the side of the revision petitioner, it is stated that the petitioner is not an accused in the case and the case was registered only against the father of the petitioner. The vehicle was not



involved in the commission of the offence. The petitioner purchased the vehicle through Bank loan and he is paying the E.M.I. The father of the petitioner has deposited some amount as a surety for his grant of bail. The vehicle is kept in the open place for the past four months and the value of the vehicle will be deteriorated by the exposure to the climatic condition and prayed the vehicle to be returned to the petitioner.

4. On the side of the respondent, it is stated that A1, who is the father of the petitioner, has cheated several Crores of Rupees from the complainant. The money involved is 2 ½ Crores. The trial Court, after observing the gravity of the offence, has dismissed the petition. In case of return of the vehicle, the petitioner may be directed to deposit the money involved in the case and prayed the petition to be dismissed.

5. The allegation against the father of the petitioner is that he has cheated more than Two Crores and Thirty Lakhs from the complainant. But, it is seen that the allegations are not against the petitioner. Whether the vehicle was used for commission of offence can be decided only during the trial of the case. There is no use in keeping the vehicle kept in the open place and making the vehicle useless. In the above circumstances, this Court is inclined to return the vehicle to the petitioner on certain conditions.

6. Accordingly, this Criminal Revision Case is allowed and the order passed by the learned Judicial Magistrate No.V, Madurai, in Cr.M.P.No.1224 of 2020, dated 04.01.2021, is set aside and the vehicle is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:-

(i) The petitioner shall deposit the original Registration Certificate of the vehicle before the Judicial Magistrate No.V, Madurai;

(ii) The petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.797 of 2020 on the file of the learned Judicial Magistrate No.V, Madurai, within a period of four weeks from the date of receipt of a copy of this order along with a bond for a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) with two sureties for a like sum;

(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 (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

To

- 1.The Judicial Magistrate No.V,
Madurai.
- 2.The Inspector of Police,
Thideer Nagar Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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NA (CO)

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