



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 10.02.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.38 of 2021

Ramesh

... Petitioner

Vs.

The State rep. by
The Sub-Inspector of Police,
Austinpatti Police Station,
Madurai District.
Crime No.280/2020

... Respondent

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records and to allow this Criminal Revision petition by setting aside the order passed in Crl.M.P.No.1453 of 2020 by the Judicial Magistrate, Thirumangalam, dated 09.12.2020.

For Petitioner : Mr.S.Sivaprakash

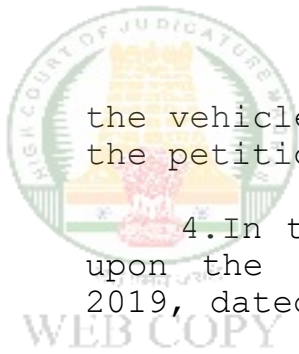
For Respondent : Mrs.S.Bharathi
Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the order passed in Crl.M.P.No.1453 of 2020 by the Judicial Magistrate, Thirumangalam, dated 09.12.2020.

2.A vehicle viz., Yamaha Ray bearing Registration No.TN-59-BR-7507 was seized by the respondent police in Crime No.280 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.1453 of 2020 before the Judicial Magistrate, Thirumangalam. That petition was dismissed by the Magistrate, on 09.12.2020. 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. The petition was dismissed by the trial Court only on the ground that confiscation proceeding was initiated. Even if the confiscation proceedings are initiated,



the vehicle can be returned to the owner of the property and prayed the petition to be allowed.

4.In this regard, the learned counsel for the petitioner relied upon the judgment of this Court passed in Crl.R.C.(MD)No.643 of 2019, dated 23.07.2019.

5.On the side of the respondent, it is stated that confiscation proceeding was already initiated. If the vehicle is returned to the petitioner, the vehicle is being used for similar offence and prayed the petition to be dismissed.

6.It is seen that the vehicle was seized by the respondent police on 25.05.2020 and the vehicle is in the custody of the police for the past nine months. Keeping the vehicle idle for nine months, will make the vehicle useless. Hence, this Court is inclined to allow the petition with certain conditions.

7.Accordingly, this Criminal Revision Case is allowed and the order dated 09.12.2020 in Crl.M.P.No.1453 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) (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 Twenty Five 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;

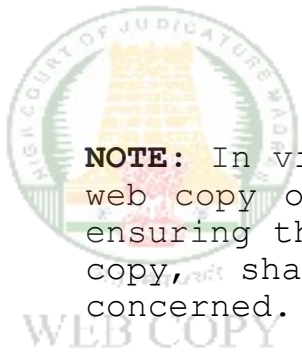
(iv)The petitioner shall produce the vehicle before the Court and before the respondent as and when required, by the Court and by the respondent.

Sd/-

Assistant Registrar (CO)

// 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.

To

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

Order made in
Crl. R.C. (MD)No.38 of 2021
10.02.2021

KUN(CO)
SRS (17/03/2021) 3P : 4C