



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 15.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.145 of 2021

Gopinathan

..Revision Petitioner/
Petitioner

Vs.

1.District Revenue Officer,
Office of the District Revenue Officer,
Theni.

2.The State rep.
The Inspector of Police,
CSCID Uthamapalayam Station,
Theni District.
Crime No.182 of 2019

.. Respondents/Complainants

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records and set aside the impugned order dated 25.01.2021 made in Crl.M.P.No.201 of 2021 on the file of the learned Judicial Magistrate, Uthamapalayam.

For Petitioner : Mr.J.Vishnu

For Respondents : Mrs.S.Bharathi

Government Advocate (Criminal Side)

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.201 of 2021 dated 25.01.2021, on the file of the learned Judicial Magistrate, Uthamapalayam.

2.The petitioner claims to be the owner of the Mahindra Commander bearing Registration No.KL-06-F-7284. The respondent seized the vehicle and produced the property before the Court. Subsequently, the petitioner has approached the learned Judicial Magistrate, Uthamapalayam, by filing a petition for interim custody of the vehicle and the learned Judge dismissed the petition in Crl.M.P.No.201 of 2021 dated 25.01.2021. Against which, the petitioner preferred the Criminal Revision Case.

3.On the side of the petitioner, it is stated that the vehicle is kept in open space from 04.11.2019. The petitioner is not



an accused in the case. Keeping the vehicle in the open space will deteriorate the value of the vehicle and prayed the vehicle to be returned to the petitioner.

4. On the side of the respondents, it is stated that the vehicle was seized by the first respondent for illegally transporting of 55kg of PDS rice to Kerala. The confiscation proceedings are initiated. The confiscation proceedings is pending for fixing the valuation of the vehicle and prayed the petition to be dismissed.

5. It is seen that the confiscation proceedings, is pending and not yet completed. The vehicle was seized on 04.11.2019 and is kept in open space for a year and that the vehicle will become useless by exposing to climatic condition.

6. In view of the same, this Criminal Revision Case is allowed. The learned Judge is directed to return the vehicle 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 with the learned Judicial Magistrate, Uthamapalayam ;

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.182 of 2019 on the file of the learned Judicial Magistrate, Uthamapalayam within a period of two weeks from the date of receipt of a copy of this order ;

(iii) The petitioner is directed to execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam ;

(iv) The petitioner shall not alienate and shall not make any alteration in the vehicle ;

(v) The petitioner shall produce the vehicle before the Court and before the respondent as and when required and this order is subject to the final order to be passed in the confiscation proceedings ;

(vi) If any of the aforesaid conditions are violated, this order automatically stands cancelled.

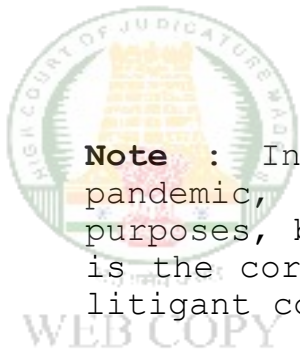
Sd/-

Assistant Registrar

// 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, Uthamapalayam.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Theni.
- 3.The Inspector of Police,
CSCID Uthamapalayam Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl. R.C. (MD) No.145 of 2021
15.03.2021

TP (CO)
SRS (22/03/2021) 3P : 5C