



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 19.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.140 of 2021

Subramanian

.. Petitioner/Petitioner

Vs.

The Inspector of Police,
Thachanallur Police Station,
Tirunelveli District.
(Crime No.1056 of 2020)

.. Respondent/Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to set aside the order of the learned Judicial Magistrate No.IV, Tirunelveli in Cr.M.P.No.7388 of 2020 dated 15.12.2020, and direct him to release the petitioner's vehicle bearing registration No.TN-69-AD-5959, Chasis No.MAT455051B8F26000, Engine No.497SPTC40FYY630751 by name TATA LPK 407 EX of TATA MOTORS LTD.

For Petitioner	: Mr.V.Angusamy
For Respondent	: Mrs.S.Bharathi
	Government Advocate (Crl. Side)

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.7388 of 2020 dated 15.12.2020, on the file of the learned Judicial Magistrate No.IV, Tirunelveli.

2.The respondent seized a lorry bearing Registration No.TN-69-AD-5959 and produced the property before the Court. Subsequently, the petitioner claiming himself as the owner of the lorry, has approached the learned Judicial Magistrate No.IV, Tirunelveli, by filing a petition for return of the lorry and the learned Judge dismissed the petition in Crl.M.P.No.7388 of 2020 dated 15.12.2020. Against which, the petitioner preferred the Criminal Revision Case.

3.On the side of the petitioner, it is stated that the petition was dismissed on the ground that there is variation regarding the chasis number of the vehicle in the R.C. Book. The entry in the R.C. Book was mistakenly done. The petitioner has subsequently rectified it. The Revenue Divisional Officer has done the subsequent correction in the R.C. Book and prayed the vehicle to be returned to the petitioner.



4. On the side of the respondents, it is stated that the vehicle was used for commission of an offence under Section COTPA Act for transporting tobacco without any permit. The petitioner is the accused in the case. If the vehicle is returned to the petitioner, there is possibility for the vehicle being used for commission of similar offence. There is discrepancy in the chasis number and prayed the petition to be dismissed.

5. It is seen that one letter alone was wrongly printed in the R.C. Book and that the mistake in the chasis number is rectified by the Revenue Divisional Officer. Online copy of the R.C. Book also reveals that the statement given by the petitioner is correct. The vehicle was seized by the police on 08.09.2020 and keeping the vehicle in the open space for a long time cause the vehicle useless.

6. In view of the same, this Criminal Revision Case is allowed. The learned Judge is directed to return the vehicle to the petitioner 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 No.IV, Tirunelveli ;

(ii) The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.1056 of 2020, before the learned Judicial Magistrate No.IV, Tirunelveli within a period of two weeks from the date of receipt of copy of this order.

(iii) The petitioner is directed to execute a bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Tirunelveli ;

(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(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Mrn

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.IV, Tirunelveli.
2. The Chief Judicial Magistrate, Tirunelveli.
- 3.The Inspector of Police,
Thachanallur Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-12626[F] dated 19/03/2021)

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