



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 09.03.2021
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.218 of 2020

WEB COPY

Ravikumar

.. Petitioner/Petitioner

Vs.

State rep., by
The Inspector of Police,
CSCID, Uthamapalayam,
Theni District.
(In Crime No.03/2020)

.. Respondent /Respondent

Prayer : This criminal revision case is filed under Sections 397 read with 401 of Criminal Procedure Code, to call for the records in Crl.M.P.No.592 of 2020 on the file of the learned Judicial Magistrate, Uthamapalayam dated 12.02.2020 and consequently, direct the respondent police to hand over the vehicle (Mahendra Logan Dlx car-TN 76 J 7943 to the petitioner within the time stipulated by this Court.

For Petitioner	: Mr.R.Venkatesan
For Respondent	: Mrs.S.Bharathi
	Government Advocate (Crl. Side)

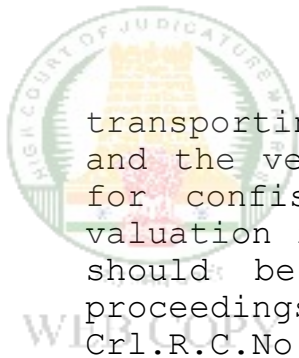
ORDER

This petition has been filed to set aside the order made in Crl.M.P.No.592 of 2020 on the file of the learned Judicial Magistrate, Uthamapalayam dated 12.02.2020 and consequently, direct the respondent police to hand over the vehicle (Mahendra Logan Dlx car-TN 76 J 7943 to the petitioner within the time stipulated by this Court.

2.The vehicle (Mahendra Logan Dlx car) bearing Registration No.TN 76 J 7943 was seized by the respondent police in connection with Crime No.03 of 2020. The petitioner claiming himself as the owner of the vehicle filed a petition in Cr.M.P.No.592 of 2020. The learned Judicial Magistrate, Uthamapalayam, dismissed the said petition on 12.02.2020. Against the same, the petitioner has preferred this revision.

3.On the side of the petitioner, it is stated that the vehicle was kept in the custody of the police from 12.02.2020 onwards. Exposure to the climatic condition may cause the vehicle useless. The vehicle is the only livelihood of the petitioner and prayed the vehicle to be returned to the petitioner for safe custody.

4.On the side of the respondent, it is stated that the vehicle was seized by the respondent police. The vehicle was seized for the accused in the case. The vehicle was seized for the accused in the case.



transporting PDS rice. The confiscation proceedings were initiated and the vehicle was produced before the Revenue Divisional Officer for confiscation. The confiscation proceedings is pending for valuation report. This Court has already observed that the vehicle should be not returned to the owner, when the confiscation proceedings were pending. A judgment of this Court passed in Crl.R.C.No.301 of 2015 is cited.

4. There is no dispute regarding the ownership of the vehicle. Keeping a vehicle idle will make the vehicle useless.

5. In the above circumstances, the vehicle is ordered to be returned to the petitioner for interim safe custody on the following conditions subject to the confiscation proceedings pending before the District Revenue Officer:

(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.3 of 2020 on the file of the learned Judicial Magistrate, Uthamapalayam, 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.2,00,000/- (Rupees Two Lakhs only) with two sureties for a like sum;

(iii) The petitioner is hereby directed to file an undertaking affidavit not to involve the vehicle in commission of any offence including similar offence in future.

(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. This order is subject to the final order to be passed in the confiscation proceedings

6. With the above direction, this Criminal Revision Case is allowed.

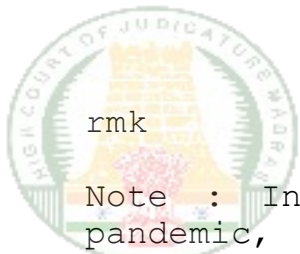
Sd/-

Assistant Registrar (Crl side)

// 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, Uthamapalayam.

2.The Inspector of Police,
CSCID, Uthamapalayam,
Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Venkatesan, Advocate Sr.No.10439

Crl. R.C. (MD) No.218 of 2020

09.03.2021

VB (29.03.2021) 3P 5C