



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 16.03.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.202 of 2021

Thanga Durai

.. Revision Petitioner /Petitioner
Vs.

The State through the Inspector of Police,
Tharuvaikulam Police Station,
Thoothukudi District.
(Crime No.120 of 2020)

.. Respondents/Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records pertaining to the order dated 12.02.2021 made in Crl.M.P.No.55 of 2021 on the file of the learned Judicial Magistrate, Vilathikulam and to set aside the same.

For Petitioner	: Mr.G.Karuppasamy Pandian
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.55 of 2021 dated 12.02.2021, on the file of the learned Judicial Magistrate, Vilathikulam.

2.The respondent seized a vehicle Hero Honda Splender Pro Registration No.TN-69-AE-4899 and produced the property before the Court. Subsequently, the petitioner has approached the learned District Munsif cum Judicial Magistrate, Vilathikulam, by filing a petition for interim custody of the vehicle and the learned Judge dismissed the petition in Crl.M.P.No.55 of 2021 dated 12.02.2021. Against which, the petitioner preferred the Criminal Revision Case.

3.On the side of the petitioner, it is stated that the petitioner is the owner of the two wheeler. The petitioner is not an accused in the case. The friend of the petitioner borrowed the vehicle and the vehicle was seized for illegal transportation of 10 liquor bottles. The vehicle was in the custody of the police for the past eight months 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 under Section 4(1)(a) of TNP Act. The respondent has initiated the confiscation proceedings and prayed the petition to be dismissed.

5.It is seen that the vehicle was seized in a case under Section 4(1)(a) of TNP Act. The confiscation proceedings are not yet initiated. Keeping the vehicle in open space for a long time will



become 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 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 District Munsif cum Judicial Magistrate, Vilathikulam ;

(ii) The petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Vilathikulam ;

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

(iv) 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 ;

(v) 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 District Munsif cum Judicial Magistrate, Vilathikulam.
2. The Inspector of Police,
Tharuvaikulam Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai. Madurai.

Crl. R.C. (MD) No.202 of 2021
16.03.2021

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