



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 22.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.232 of 2021

M.Arumugam

.. Petitioner/Owner of the Vehicle
Vs.

State rep. by Sub Inspector of Police,
Pudhukottai Police Station,
Thoothukudi
(Crime No.44/2021)

.. Respondent/Complainant

Prayer : This criminal revision case filed under Section 397 r/w. Section 401 of Cr.P.C., to set aside the order passed in Cr.M.P.No.812 of 2021 by the Judicial Magistrate No.III, Thoothukudi, dated 08.03.2021 and directed to give interim custody of the vehicle bearing Registration No.TN-72-BB-1156 to the petitioner.

For Petitioner	: Mr.S.Vishnuvardhan
For Respondent	: Mrs.S.Bharathi
	Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the Judicial Magistrate No.III, Thoothukudi, in Cr.M.P.No.812 of 2021, dated 08.03.2021.

2. A vehicle, viz., Maruti EECO 5 Star, bearing Registration No.TN-72-BB-1156 was seized by the respondent police in Crime No.44 of 2021 for transporting 59 liquor bottles. The petitioner, claiming himself as the owner of the vehicle, filed a petition before the Judicial Magistrate No.III, Thoothukudi, for return of the vehicle in Cr.M.P.No.812 of 2021. That petition was dismissed by the Judicial Magistrate, on 08.03.2021. Against the same, the petitioner preferred this Criminal Revision.

3.On the side of the petitioner, it is stated that the petitioner is a retired Army man and he purchased the car in the Army canteen and prayed the vehicle to be returned to the petitioner.

4.On the side of the respondent, it is stated that confiscation proceedings were initiated, there is no possibility of a person to purchase 59 liquor bottles in an Army canteen and prayed the petition to be dismissed.

5.It is seen that the confiscation proceeding was not yet over. The vehicle was seized by the respondent police on



02.02.2021. If the vehicle is kept in the open place, the value of the vehicle will be deteriorated, due to the exposure to claimatic conditions. Hence, this Court is inclined to allow the petition with certain conditions.

6. Accordingly, this Criminal Revision Case is allowed and the order passed by the Judicial Magistrate No.III, Thoothukudi, in Cr.M.P.No.812 of 2021, dated 08.03.2021, is hereby set aside and the vehicle 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) The petitioner shall deposit the original Registration Certificate of the vehicle before the Judicial Magistrate No.III, Thoothukudi;

(ii) (ii)The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.44 of 2021 on the file of the learned Judicial Magistrate No.III, Thoothukudi, 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 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 ()

// 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 No.III,
Thoothukudi.

2.The Chief Judicial Magistrate III
Thoothukudi.

3.The Sub Inspector of Police,
Pudhukottai Police Station,
Thoothukudi.

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

+1 CC to M/s.VISHNUVARDHAN, Advocate (SR-13181[F] dated
24/03/2021)

Crl. R.C. (MD) No.232 of 2021
22.03.2021

NS (CO)

KB (08.04.2021) 3P 6C