



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.250 of 2021

Nagoor Meeran

.. Petitioner

Vs.

The Inspector of Police,
Courtallam Police Station,
Tenkasi District Cr No. 380/2020.

.. Respondent

Prayer : This Revision Case is filed under Section 397 of Cr.P.C., to Call for the records relating to the impugned order of the Learned District Munsif Cum Judicial Magistrate, Shenkottai passed in Crl. M. P No. 2333/2020 dated 07.12.2020 set aside the same and consequently direct the Respondent police to hand over the petitioner's vehicle bearing Registration No.TN-20-CH-6999 and to allow this revision.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mrs.S.Bharathi
Government Advocate

ORDER

This revision has been filed to set aside the order passed by the District Munsif Cum Judicial Magistrate, Shenkottai, in Crl.M.P No.2333 of 2020 dated 07.12.2020 and to release the vehicle bearing Registration No.TN-20-CH-6999, to the petitioner.

2.The vehicle Bearing Registration No.TN-20-CH-6999 was seized by the respondent in Crime No.380 of 2020 under Sections 395 and 397 of I.P.C. The petitioner claiming himself as the owner of the vehicle filed a petition in Cr.M.P.No.2333 of 2020. That petition was dismissed by the Judicial Magistrate, Senkottai, on 07.12.2020. Against the same, the petitioner preferred this revision for return of the vehicle.

3.On the side of the petitioner, it is stated that only due to real estate business transaction, there is a dispute between the petitioner and the defacto complainant and the defacto complainant has lodged a false case under Sections 395 and 397 I.P.C. The vehicle was seized last year and is still in the open place and the value of the vehicle will be deteriorated by the exposure to the climatic condition and prayed the vehicle to be returned to the



petitioner for interim safe custody.

4.On the side of the respondent, it is stated that the vehicle was involved in another case in Crime No.13 of 2020 and in another case of similar in nature in Crime No.13 of 2020 under Section 397 I.P.C and the property was produced before the same Court. The petitioner get the interim custody of the vehicle and by violating the bond condition, the vehicle was used for commission of another offence and prayed the petition to be dismissed.

5.On the side of the petitioner, it is stated that both the cases arise out of real estate transaction between the petitioner and the defacto complainant and that the petitioner did not indulge in any offence as stated by the prosecution.

6.It is seen that the vehicle was involved in another offence in Crime No.13 of 2020 and the petitioner get an interim custody of the vehicle by depositing the original Registration Certificate before the Judicial Magistrate, Senkottai. There is no use in keeping the vehicle kept in the open place and making the vehicle useless. In the above circumstances, this Court is inclined to return the vehicle to the petitioner on certain conditions.

6.Accordingly, this Criminal Revision Case is allowed and the order passed by the District Munsif Cum Judicial Magistrate, Shenkottai, in Crl. M. P No. 2333 of 2020 dated 07.12.2020, is 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 original Registration Certificate detained by the District Munsif Cum Judicial Magistrate, Shenkottai (in Crime No.13 of 2020), has to be treated as a deposit of original Registration Certificate in this case (Crime No.380 of 2020) also.

(iii)The District Munsif Cum Judicial Magistrate, Shenkottai, is directed not to pass any order regarding the return of the vehicle until the disposal of the case in Crime No.13 of 2020.

(iv) The petitioner is directed to execute an undertaking affidavit not to use the vehicle for any illegal purpose in future.

(v)The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.380 of 2020, 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;



(vi)The petitioner shall not alienate and shall not make any alterations in the vehicle;

(vii)The petitioner shall produce the vehicle before the Court and before the respondent as and when required, by the Court and by the respondent.

7. If the vehicle is used for any illegal purpose, the order of return of property, automatically, stands cancelled. With the above directions, 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 District Munsif Cum Judicial Magistrate,
Shenkottai.
2. The Inspector of Police,
Courtallam Police Station,
Tenkasi District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-13990[F] dated 26/03/2021)

Crl. R.C.(MD)No.250 of 2021
25.03.2021

VR(CO)

TR(01.04.2021) 3P 5C