



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.R.C(MD)No.444 of 2021

Chandrakumar @ Mariya Chandrakumar ... Petitioner/Petitioner/
Owner of the property

Vs.

The Inspector of Police,
Thazhamuthu Nagar Police Station,
Thoothukudi District.
(Cr.No.65 of 2020)

... Respondent/Respondent/
Complainant

Prayer : This Criminal Revision is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the order passed by the Judicial Magistrate No.2, Thoothukudi District in Cr.M.P.No.2554 of 2020, dated 10.03.2021 and set aside the same and further to direct the Judicial Magistrate No.2, Thoothukudi District to grant interim custody of the vehicle to the petitioner.

For Petitioner : Mr.K.Muthurakkan

For Respondent : Mr.P.Kottaichamy
Standing Counsel
for State Government (Crl.side)

ORDER

This Criminal Revision Petition has been filed to set aside the order passed by the learned Judicial Magistrate No.2, Thoothukudi District in Cr.M.P.No.2554 of 2020, dated 10.03.2021.

2.The petitioner claims to be the owner of the vehicle (Vallam) bearing Registration No.IND-TN-12-MO-5470. On 03.03.2020, the respondent police seized the vehicle on the ground that it was used for committing the offence of transporting 59 kilograms of Beedi leaves illegally. The respondent police has registered a case in Crime No.65 of 2020 under Sections 328 and 268 of IPC and Section 24(1) of the Cigarette and other Tobacco Products Act, 2003. Seeking return of the said vehicle, the petitioner has filed a petition before the learned Judicial Magistrate No.2, Thoothukudi District, for interim custody. The learned Magistrate, by order dated 10.03.2021 has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.



3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. Mr. P. Kottaichamy, learned Standing Counsel for State Government (Crl. side) has submitted that there is no dispute regarding the ownership of the vehicle and has strongly opposed to release the vehicle.

5. On consideration of the documentary evidence, the trial Court has dismissed the petition, seeking to release the vehicle filed by the petitioner. However, Considering the facts and circumstances of the case, this Court is inclined to allow this petition.

6. Accordingly, this petition is allowed and the order of the learned Judicial Magistrate No.2, Thoothukudi District in Cr.M.P.No.2554 of 2020, dated 10.03.2021 is hereby set aside and the learned Magistrate is directed to return the vehicle subject to the petitioner on the following conditions:-

(a) the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of Crime No.65 of 2020 on the file of the learned Judicial Magistrate No.2, Thoothukudi District, within a period of two weeks from the date of receipt of a copy of this order;

(b) the petitioner shall not make any alteration of the vehicle;

(c) The petitioner shall produce the same before the Court on the first working day of every month.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsd

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.2,
Thoothukudi District.

2.The Inspector of Police,
Thazhamuthu Nagar Police Station,
Thoothukudi District.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-23988[F] dated
27/07/2021)

CrI.R.C (MD) No.444 of 2021

ES (CO)
TR(06.08.2021) 3P 5C