



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.RC(MD)No.383 of 2021

L.Vivek

... Petitioner/Owner of the vehicle

Vs.

State Rep. by
The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District,
Thoothukudi.

(Cr.No.101 of 2021)

... Respondent/complainant

PRAYER: This Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order passed in Cr.M.P.No.221 of 2021 by the Judicial Magistrate, Thiruchendhur, dated 03.06.2021 and return the vehicle bearing Registration No.TN-05-R-3994 to the petitioner.

For Petitioner : Mr.S.Vishnuvardhan

For Respondent : Mr.P.Kottaichamy

Standing Counsel

for State Government (Crl.side)

O R D E R

This Criminal Revision Case has been filed to set aside the order passed by the learned Judicial Magistrate, Thiruchendhur in Crl.M.P.No.221 of 2021, dated 03.06.2021.

2.The petitioner claims to be the owner of the Maruthi Suzuki Wagon R Vehicle, bearing Registration No.TN-05-R-3994. On 03.04.2021, the respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for transporting 40 liquor bottles and registered the case in Crime No.101 of 2021 for the offence under Section 4(1)(a) & 14 A of Tamil Nadu Prohibition Act, 1937. Subsequently, the petitioner has approached the learned Judicial Magistrate, Thiruchendhur, by way of filing a petition in Crl.M.P(MD)No.221 of 2021 for release of the vehicle. The learned judge, by order dated 03.06.2021 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) submitted that confiscation proceedings were

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initiated and hence he has strongly opposed to release the vehicle.

5. It is seen that the confiscation proceedings are not yet over. The vehicle was seized by the respondent police on 03.04.2021. If the vehicle is kept in the open place, the value of the vehicle will be deteriorated, due to the exposure to climatic conditions. Hence, this Court is inclined to allow the petition with certain conditions.

6. Accordingly, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate, Thiruchendhur in Crl.M.P.No.221 of 2021, dated 03.06.2021 is set aside and the learned Judicial Magistrate, Thiruchendhur is directed to return the vehicle subject to the petitioner complying the following conditions:-

(a)the petitioner shall deposit the original Registration Certificate of the vehicle;

(b)the petitioner shall deposit a sum of Rs.40,000/- (Rupees Forty thousand only) to the credit of Crime No.101 of 2021 on the file of the learned Judicial Magistrate, Thiruchendhur, within a period of two weeks from the date of receipt of a copy of this order;

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

(d)the petitioner shall produce the same before the Court as and when required.

Sd/-

Assistant Registrar (CS-III)

// 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,
Thiruchendur

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SSS(CO)

LR (16.07.2021) 2P 2C

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