



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.RC(MD)No.477 of 2021

T.Maharaja

... Petitioner/Petitioner

Vs.

The State Rep by
The Inspector of Police,
Ammappatti Police Station,
Viruthunagar District.

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 02.07.2021 made in Cr.M.P.No.1842 of 2021 on the file of the learned Judicial Magistrate No.II, Sattur.

For Petitioner : M/s.M.Shobana

For Respondent : Mr.RMS.Sethuraman

Counsel for State Government(Crl. side)

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the learned Judicial Magistrate No.II, Sattur, in Cr.M.P.No.1842 of 2021, dated 02.07.2021.

2.The petitioner claims to be the owner of the vehicle (Royal Enfield Motor Cycle), bearing Registration No.TN-67-BD-8799. On 12.06.2021, the respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for transporting 5 litres of "Panaimara Pathineer" and registered the case in Crime No.32 of 2021 for the offence under Section 4(1)(a) of Tamil Nadu Prohibition Act. Subsequently, the petitioner has approached the learned Judicial Magistrate No.II, Sattur, by way of filing a petition in Cr.M.P.No.1842 of 2021 for release of the vehicle. The learned judge, by order dated 02.07.2021 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.RMS.Sethuraman, learned counsel for State Government (Crl.side) submitted that confiscation proceedings were 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 12.06.2021. 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 No.II, Sattur in Cr.M.P.No.1842 of 2021, dated 02.07.2021 is set aside and the learned Judicial Magistrate No.II, Sattur, 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.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.32 of 2021 on the file of the Judicial Magistrate No.II, Sattur, 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 (AD-II)

// 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 Judicial Magistrate No.II,Sattur.
- 2.The Inspector of Police,
Ammapatti Police Station,
Viruthunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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