



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.08.2021**

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.13550 of 2021
(through video conference)

P.Sudhagar

... Petitioner

-Vs-

1.The District Superintendent of Police,
Prohibition Enforcement Wing,
Dindigul District.

2.The Inspector of police,
Thandikudi Police Station,
Thandikudi,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to release petitioner's vehicle (TVS WEGO) bearing registration No.TN 66E 1696 which was seized by the second respondent on 14.08.2020 in pursuance to the registration of Crime No.332 of 2020 on the file of the second respondent forthwith in accordance with law by considering the petitioner's representation dated 24.08.2020.

For Petitioner : Mr.C.Prithviraj

For Respondents : Mr.D.Ghandiraj
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondents to release petitioner's vehicle (TVS WEGO) bearing registration No.TN 66E 1696 which was seized by the second respondent on 14.08.2020 in pursuance to the registration of Crime No.332 of 2020 on the file of the second respondent forthwith in accordance with law by considering the petitioner's representation dated 24.08.2020.

2.The case of the petitioner is that the petitioner is owner of the vehicle two wheeler, TVS Wego bearing Registration No. TN 66E 1696 which was seized by the second respondent on 14.08.2020, pursuant to the registration of case in Crime No.332 of 2020 on the



file of the second respondent. According to the petitioner, the petitioner had not involved in the crime. However, the vehicle had been seized by the respondent police and the same had been in the custody of the police and not had been produced before the Magistrate Court, as the investigation is yet to be completed. Therefore, the petitioner in this context wants the vehicle to be released by way of an interim custody, otherwise the vehicle would get exposed to sunlight and rain and the value of the vehicle would get diminished. Hence, seeking the said relief, the petitioner has moved this writ petition, after made an attempt to give a representation in this regard on 24.08.2020.

3. Heard, Mr.D.Ghandiraj, learned Government Advocate appearing for the respondent, who would submit that insofar as the case in Crime number referred to above is concerned, it is still pending investigation. The petitioner first time involved in such a crime and there is no earlier case registered against the petitioner and if all the Court comes to the conclusion that the vehicle can be given interim custody to the petitioner, stringent conditions shall be imposed, otherwise, the petitioner may tamper the vehicle in question and if it happens, it will be very difficult for the prosecution to complete the case at the time of trial, when it will be required to produce it before the concerned Magistrate Court.

4. I have considered the said submissions made by the learned counsel for the parties and perused the materials placed before this Court.

5. The petitioner though claimed that he has not involved in the crime, it is the matter to be investigated by the respondent police and based on the charge sheet to be filed by the police, it can be decided by the competent Court. However, in the meanwhile, insofar as the interim custody of the vehicle is concerned, as has been contended by the learned counsel for the petitioner, that during the investigation period, if the vehicle is exposed to sunlight and rain, certainly, the value of the vehicle will get diminished, therefore, instead of keeping the vehicle in the custody of the respondent police, the same can be given interim custody to the petitioner, of course, with a condition that the vehicle shall not be encumbered or the vehicle's ownership will not be transferred to a third party, as and when the vehicle is required for further investigation or trial before the Court, the vehicle shall be readily produced by the petitioner and all original documents shall be handed over to the respondent police. With these conditions if the vehicle is released by way of interim custody, this Court feels that no prejudice would be caused to the petitioner. In that view of the matter, the vehicle in question can be released by the respondent police to the petitioner as an interim custody, by imposing the aforesaid conditions, within a period of one week from the date of receipt of a copy of this order.



6. With these directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

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/ /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 Superintendent of Police,
Prohibition Enforcement Wing,
Dindigul District.

2. The Inspector of police,
Thandikudi Police Station,
Thandikudi,
Dindigul District.

+1 CC to M/s.GP (SR-25516[F] dated 06/08/2021)

W.P. (MD) No.13550 of 2021

Dated: **05.08.2021**

RK (16.08.2021) 3P 4C