



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2021

CORAM

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

Crl.RC(MD)No.500 of 2021

Alagupandi

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
(Cr.No.104 of 2021)

... Respondent

PRAYER: This Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order 07.07.2021 made in Crl.M.P.No.2413 of 2021 on the file of the Judicial Magistrate Court, Aruppukottai and set aside the same as illegal and entrust the custody of the vehicle to the petitioner and allow the above revision petition.

For Petitioner : Mr.G.Naveen Kumar

For Respondent : Mr.RMS.Sethuraman

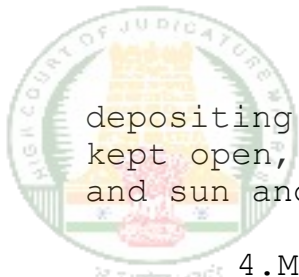
Counsel for State Government (Crl.side)

O R D E R

This Criminal Revision Case is filed to set aside the order passed by the learned Judicial Magistrate, Aruppukottai made in Crl.M.P.No.2413 of 2021, dated 07.07.2021.

2.The petitioner claims to be the owner of the ABE City Plus Auto, bearing Registration No.TN-67-BW-8119. On 26.05.2021, the respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for transporting 10 liquor bottles without valid license and registered the case in Crime No.104 of 2021 for the offence under Section 4(1)(a) of Tamil Nadu Prohibition Act. Subsequently, the petitioner has approached the learned Judicial Magistrate, Aruppukottai, by way of filing a petition in Crl.M.P(MD)No.2413 of 2021 for release of the vehicle. The learned judge, by order dated 07.07.2021 has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

3.The learned counsel appearing for the petitioner submitted that the vehicle was purchased by hypothecated in a private finance company. All the relevant records are in the hands of the private financial company. The petitioner has produced the certificate for



depositing the R.C.Book with the finance company. If the vehicle is kept open, the value of the vehicle will be deteriorated due to rain and sun and prayed the vehicle to be returned to the petitioner.

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

6. It is seen that the confiscation proceedings are not yet over. The vehicle was seized by the respondent police on 26.05.2021. 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.

7. Accordingly, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate, Aruppukottai in Crl.M.P.No.2413 of 2021, dated 07.07.2021 is set aside and the learned Judicial Magistrate, Aruppukottai is directed to return the vehicle subject to the petitioner complying the following conditions:-

(a)the petitioner shall produce the attested copy of the R.C Book obtained from the financier;

(b)the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) to the credit of Crime No.104 of 2021 on the file of the learned Judicial Magistrate, Aruppukottai, 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-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsd

<https://hcservices.ecourts.gov.in/hcservices/>



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,
Aruppukottai.
- 2.The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.RC (MD) No.500 of 2021
03.08.2021

cm(CO)
TR(11.08.2021) 3P 4C