



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.542 of 2021

John Sekar Santhosh

.. Petitioner / Petitioner

Vs.

State Rep. by,
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.503 of 2021)

.. Respondent / Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to order passed in Crl.M.P.No.4050 of 2021 on the file of the learned Judicial Magistrate No.II, Nagercoil, dated 27.07.2021 and to set aside the same.

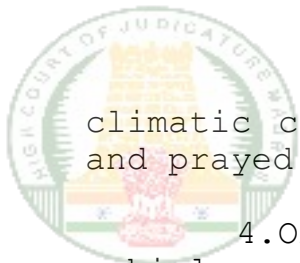
For Petitioner : Mr.J.Pooventhera Rajan
For Respondent : Mrs.K.Asha
Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.4050 of 2021 dated 27.07.2021, on the file of the learned Judicial Magistrate No.II, Nagercoil, to grant interim custody of vehicle bearing Registration No.TN-11-B-1783 to the petitioner.

2.The petitioner claims to be the owner of the vehicle bearing registration No.TN-11-B-1783, which was seized by the respondent Police in Crime No.503 of 2021 under Sections 4(1)(a) and 14(A) of TNP Act, has filed a petition in Cr.M.P.No.4050 of 2021 before the learned Judicial Magistrate No.II, Nagercoil, for the return of the vehicle. That petition was dismissed by the trial Court. Against which, the petitioner has preferred this revision case.

3.On the side of the petitioner, it is stated that initiating confiscation proceedings is not a bar for getting return of the vehicle. The vehicle was seized by the respondent police on 04.06.2021. If the vehicle is kept in the open place exposing to



climatic conditions, the value of the vehicle will be deteriorated and prayed the vehicle to be returned for interim custody.

4. On the side of the respondent, it is stated that the vehicle was seized by the respondent Police for transporting eight liquor bottles. Confiscation proceedings was initiated. If the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar offence again and prayed the petition to be dismissed.

5. Initiating confiscation proceedings is not a bar to return the vehicle for interim custody. If the vehicle is kept in the open space, the value of the vehicle will be deteriorated. Hence, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate No.II, Nagercoil in Cr.M.P.No.4050 of 2021 is set aside and the learned Judge is directed to return the vehicle to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:

(i) The petitioner is directed to execute a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagercoil ;

(ii) The petitioner shall deposit the original Registration Certificate of the vehicle with the learned Judicial Magistrate No.II, Nagercoil ;

(iii) The petitioner shall not alienate and shall not make any alteration in the vehicle ;

(iv) The petitioner shall produce the vehicle before the Court and before the respondent as and when required and this order is subject to the final order to be passed in the confiscation proceedings ;

(v) If the aforesaid conditions are not complied, the order of interim custody of vehicle stands automatically cancelled.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

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,
Nagercoil.
- 2.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RD(08.12.2021) 3P 4C