



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

CORAM

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

Crl.R.C (MD)No.604 of 2021

Kavitha

... Petitioner / Petitioner

Vs.

State Rep. by
The Inspector of Police,
Sollavanthan Police Station,
Madurai District.
(Cr.No.103 of 2021)

... Respondent / Respondent

PRAYER: This Criminal Revision Case filed under Section 397 & 401 of Criminal Procedure Code, to call for the records pertaining to order passed in Crl.M.P.No.1251 of 2021 on the file of the Judicial Magistrate, Vadipatti, Madurai District, dated 14.06.2021 and set aside the same by allowing the Revision Petition.

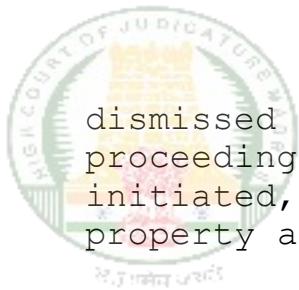
For Petitioner	: Mr.R.Aravind Raj
For Respondent	: Mr.RMS.Sethuraman
	Counsel for State Government
	(Crl.side)

O R D E R

This Criminal Revision Case is filed to set aside the order passed by the learned Judicial Magistrate, Vadipatti, Madurai District made in Cr.M.P.No.1251 of 2021, dated 14.06.2021.

2.The petitioner claims to be the owner of the ABE City Auto, bearing Registration No.TN-64-U-7423. 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 98 liquor bottles without valid license and registered the case in Crime No.103 of 2021 for the offence under Section 4 (1) (a) of Tamil Nadu Prohibition Act. Subsequently, the petitioner has approached the learned Judicial Magistrate, Vadipatti, Madurai District, by way of filing a petition in Cr.M.P.No.1251 of 2021 for release of the vehicle. The learned judge, by order dated 14.06.2021 has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

3.On the side of the revision petitioner, it is stated that the petitioner is not an accused in the case. The petition was



dismissed by the trial Court only on the ground that confiscation proceeding was initiated. Even if the confiscation proceedings are initiated, the vehicle can be returned to the owner of the property and prayed the petition to be allowed.

4. On the side of the respondent, it is stated that confiscation proceeding was already initiated. If the vehicle is returned to the petitioner, the vehicle is being used for similar offence and prayed the petition to be dismissed.

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

6. It is seen that 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.

7. Accordingly, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate, Vadipatti, Madurai District in Cr.M.P.No.1251 of 2021, dated 14.06.2021 is set aside and the learned Judicial Magistrate, Vadipatti, Madurai District is directed to return the vehicle subject to the petitioner complying the following conditions:-

(a) the petitioner shall produce the Original Registration Certificate of the vehicle;

(b) the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) to the credit of Crime No.103 of 2021 on the file of the learned Judicial Magistrate, Vadipatti, Madurai District, 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.

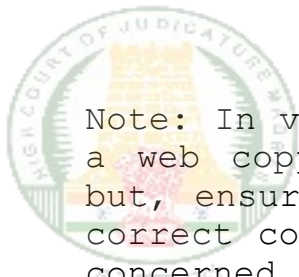
Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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.

WEB COPY

To

- 1.The Judicial Magistrate,
Vadipatti,
Madurai District.
- 2.The Inspector of Police,
Sollavanthan Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.R.C (MD)No.604 of 2021
06.09.2021

NSN(CO)
SB(15.09.2021) 3P 4C