



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 18.11.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.620 of 2021

Ramajeyakumar

.. Petitioner/Petitioner/3rd Party

Vs.

State Represented by its,
Inspector of Police,
Keeraithurai Police Station,
Madurai City,
Madurai.

Crime No.370 of 2021

.. Respondent/Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records relating to the order dated 17.08.2021 made in Cr.M.P.No.2114 of 2021 on the file of the learned Judicial Magistrate No.IV, Madurai and to set aside the same as illegal and entrust the custody of the car bearing registration No.TN-64-F-6501.

For Petitioner : Mr.R.Selvaraj

For Respondent : Mrs.K.Asha

Government Advocate

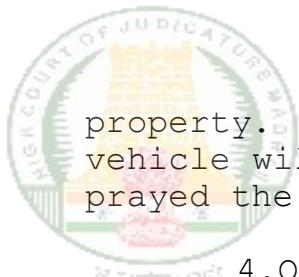
ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.2114 of 2021 dated 17.08.2021, on the file of the learned Judicial Magistrate No.IV, Madurai, to grant interim custody of car bearing Registration No.TN-64-F-6501 to the petitioner.

2.The petitioner claims to be the owner of the Maruti Car bearing registration No.TN-64-F-6501, which was seized by the respondent Police in Crime No.370 of 2021 for the offence under Sections 4(1)(a) and 4(1)(i) of TNP Act. The petitioner has filed a petition in Cr.M.P.No.2114 of 2021 before the learned Judicial Magistrate No.IV, Madurai for return of the vehicle. The 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

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property. The vehicle is kept in open space. The value of the vehicle will be deteriorated due to the exposure to sun and rain 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 for the usage of transporting 36 bottles of liquor. The respondent has initiated confiscation proceedings and prayed the petition to be dismissed.

6. It is seen that the vehicle was seized on 12.06.2021 and if the vehicle is kept in a open place exposing to climatic conditions, the value of the vehicle will be deteriorated. Initiating confiscation proceedings is not a bar to return the vehicle for interim custody. Hence, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate No.IV, Madurai in Cr.M.P.No.2114 of 2021 is set aside and the learned Judge is directed to return the car to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:

(i) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.370 of 2021 on the file of the learned Judicial Magistrate No.IV, Madurai within a period of two weeks from the date of receipt of a copy of this order ;

(ii) 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.IV, Madurai ;

(iii) The petitioner shall deposit the original Registration Certificate of the vehicle with the learned Judicial Magistrate No.IV, Madurai ;

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

(v) 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 ;

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

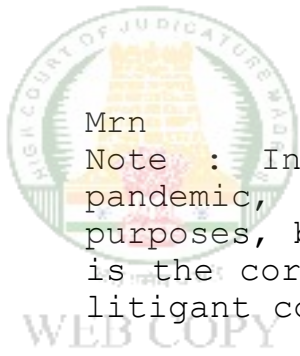
Sd/-

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.IV, Madurai.

2.The Inspector of Police,
Keeraithurai Police Station,
Madurai City,
Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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18.11.2021

PS (CO)

TR(30.11.2021) 3P 4C