



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 02.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.734 of 2020

Satheesh

.. Petitioner

Vs.

The Inspector of Police,
Petchiparai Police Station,
Kanniyakumari Distirct.

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 read with 401 of Cr.P.C., to call for the records relating to the order passed in Crl.M.P.No.2054 of 2020 in Crime No.69 of 2020 pending on the file of the learned Judicial Magistrate II, Padmanabhapuram and set aside the same as erroneous and may consequently direct the respondent to release the vehicle of the petitioner namely Bajaj CT 100 two wheeler bearing Registration No.TN 75 AL 4461.

For Petitioner : Mr.A.Balakrishnan

For Respondent : Mrs.S.Bharathi

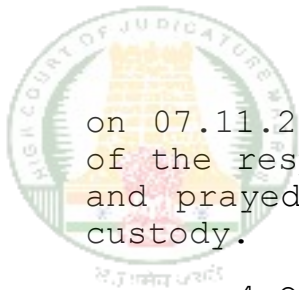
Government Advocate (Crl. Side)

ORDER

This revision case has been filed to quash the order passed by the learned Judicial Magistrate II, Padmanabhapuram in Crl.M.P.No.2054 of 2020 in Crime No.69 of 2020 and consequently, direct the respondent to release the vehicle of the petitioner, namely Bajaj CT 100 two wheeler bearing Registration No.TN 75 AL 4461.

2.The vehicle/two wheeler bearing Registration No.TN-75-AL-4461 was seized by the respondent police in connection with Crime No.69 of 2020. The petitioner claiming himself as the owner of the vehicle filed a petition for return of the vehicle in Crl.M.P.No.2054 of 2020 before the Judicial Magistrate No.II, Padmanabhapuram. That petition was dismissed by the trial Court, on 02.12.2020. Against which, the petitioner has preferred this revision case.

3.On the side of the petitioner, it is stated that initiation of confiscation proceeding is not a bar for return of the vehicle to the petitioner. Show cause notice was served on the petitioner



on 07.11.2020. From 05.11.2020 the vehicle is kept in the custody of the respondent. No other proceedings are taken for confiscation and prayed the vehicle to be returned to the petitioner for safe custody.

4. On the side of the respondent it is stated that vehicle was seized by the respondent police for transporting 40 liquor bottles. Confiscation proceedings were initiated. If the vehicle is returned to the petitioner, there is every possibility for the vehicle being used for the same offence again and prayed the petition to be dismissed.

5. It is seen that RC book is in the name of the petitioner. Respondent has not reported any previous case against the petitioner. Though show cause notice was served on the petitioner on 07.11.2020, no further proceedings have been taken by the respondent police for confiscating the vehicle. In the above circumstances, this Court is inclined to return the vehicle to the petitioner for interim safe custody on the following conditions subject to the result of the confiscation proceedings:

(i) The petitioner shall deposit the original Registration Certificate of the vehicle with the learned Judicial Magistrate II, Padmanabhapuram ;

(ii) The petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate II, Padmanabhapuram.

(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.

7. With the above direction, this Criminal Revision Case is allowed.

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 II, Padmanabhapuram.

2.The Inspector of Police,
Petchiparai Police Station,
Kanniyakumari Distirct.

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

+1 CC to M/s.A.BALA KRISHNAN, Advocate (SR-8798[F] dated 04/03/2021
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Crl. R.C.(MD)No.734 of 2020

NA (CO)

KK(10.03.2021) 3P 5C