



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.11.2021

CORAM

**THE HONOURABLE MRS. JUSTICE R. THARANI**

CrI. R.C.(MD)No.788 of 2021

WEB COPY

S.Sivasubramanian @ Subramanian @ Kumar

.. Petitioner/Owner of the car

Vs.

The State Rep. by its,  
The Inspector of Police,  
Amathur Police Station,  
Virudhunagar District.  
(Crime No.111 of 2021)

.. Respondent

**Prayer :** This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the entire records pertaining to the order passed by the learned Judicial Magistrate No.II, Virudhunagar in Cr.M.P.No.5054 of 2021 vide order dated 06.10.2021 and consequently direct the aforesaid learned Magistrate to return the petitioner's car namely Mahindra Marazzo 7 STRM2 bearing its registration No.TN-72-BR-4029 which is said to have been involved in the case in Crime No.111 of 2021 on the file of the respondent Police.

For Petitioner : Mr.R.Anand

For Respondent : Mrs.K.Asha  
Government Advocate

### **ORDER**

This petition has been filed to set aside the order passed in Cr.M.P.No.5054 of 2021 dated 06.10.2021, on the file of the learned Judicial Magistrate No.II, Virudhunagar, to grant interim custody of the car bearing Registration No.TN-72-BR-4029 to the petitioner.

2.The petitioner claims to be the owner of the Car bearing registration No.TN-72-BR-4029, which was seized by the respondent Police in Crime No.111 of 2021 under Sections 341, 342, 363, 506 (ii), 406 and 420 of IPC and Section 66(A) of Information Technology Act, has filed a petition in Cr.M.P.No.5054 of 2021 before the learned Judicial Magistrate No.II, Virudhunagar, for the 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 the car was seized by the respondent police on 13.07.2021 and is kept in a open

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place for the past five months. Exposure to climatic conditions will spoil the vehicle and prayed the vehicle to be returned to the petitioner for interim custody.

4.On the side of the respondent, it is stated that if the vehicle is returned to the petitioner, there is possibility for the vehicle being used for commission of similar offence and prayed the petition to be dismissed.

5.The petitioner is not an accused in the case. The vehicle was seized on 13.07.2021 and is kept in the open space for the past seven months. Keeping the vehicle idle exposing the same to climatic conditions will make the vehicle useless for anybody.

6.Hence, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate No.II, Virudhunagar in Cr.M.P.No.5054 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.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.111 of 2021 on the file of the learned Judicial Magistrate No.II, Virudhunagar 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.II, Virudhunagar ;

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

(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.

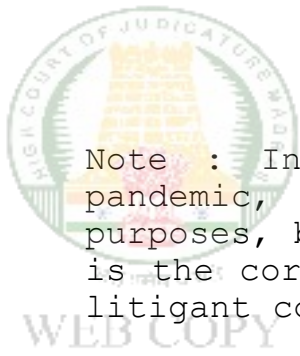
Sd/-

Assistant Registrar (CS II)

// 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.

To

- 1.The Judicial Magistrate No.II,  
Virudhunagar.
- 2.The Inspector of Police,  
Amathur Police Station,  
Tirunelveli District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.R.ANAND, Advocate ( SR-36380[F] dated 29/11/2021 )  
Crl. R.C.(MD)No.788 of 2021  
25.11.2021

MGJ(09.12.2021) 3P 5C