



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SESHASAYEE

CRIMINAL REVISION CASE NO.170 OF 2022

S.Velusamy

... Petitioner

Versus

The State rep. by
The Inspector of Police,
Civil Supplies CID, Namakkal District.
(Crime No.132/2021)

... Respondent

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order of dismissal made in Crl.M.P.No.154 of 2022 passed by the learned Judicial Magistrate No.2, Namakkal, dated 2.2.2022, dismissing the petition seeking interim custody of the vehicle belonging to the petitioner viz. Ashok Leyland Tanker Lorry bearing Registration No. TN-05-AR-2641 and set aside the same by allowing the above Criminal Revision Petition.

For Petitioner : Mr.G.M.Ananthakumar

For Respondent : Mr.L.A.J.Selvam
Government Advocate (Crl.Side)

O R D E R

The Revision Petitioner herein is the owner of the vehicle viz Tanker Lorry bearing Registration No.TN 05 AR 2641 and has been arrayed as A1 in Crime No.132 of 2021 of the respondent police and has been accused of the offences under Section 3(4) of the Motor Spirit and High Speed Diesel(Regulation Supply, Distribution and Prevention of Malpractices) order 2005 r/w 7(1) a(ii) of EC Act 1955.

2.The aforesaid vehicle of the revision petitioner was taken into custody by the respondent Police, for return of which, the revision petitioner had moved the trial Court in Crl.M.P.No.154



of 2022 which came to be dismissed by the trial Court Vide order dated 02.02.2022.

3.Mr.L.A.J.Selvam, learned Government Advocate (Crl.Side) takes notice for the respondent.

4.Heard, both sides.

5.Mr.C.A.J.Selvam, learned Government Advocate (Crl.Side) submitted that the vehicle was not involved in any such offence earlier and also added that the confiscation proceedings has not yet been commenced.

6.After hearing both sides, this Court chooses to allow this petition and accordingly directs the learned Judicial Magistrate No.2, Namakkal to return the Tanker Lorry bearing Registration No.TN 05 AR 2641, to the petitioner, on the following conditions:-

(i)The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the Judicial Magistrate No.2, Namakkal on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicle;

(ii)The petitioner shall not alter or alienate the vehicle in any manner till confiscation proceedings is over;

(iii)The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent or the Court below as well as by the District Collector of the District or authorized officer in that behalf by the Government;

(iv)The petitioner shall participate in the confiscation proceedings, if any initiated, and shall produce the vehicle, before the confiscation authority. This order is subjected to the confiscation proceedings.

7.With the above directions, the Criminal Revision Case is allowed by setting aside the order dated 02.02.2022 passed in Crl.M.P.No.154 of 2022 by the learned Judicial Magistrate No.2, Namakkal.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Tsg



To

1. The Judicial Magistrate No.2,
Namakkal.

2. The Inspector of Police,
Civil Supplies CID,
Namakkal District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.K.A.Mariappan, Advocate, S.R.No.9643

Cr1.R.C.No.170 of 2022

AD(CO)
RLP(25/02/2022)