



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

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THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.RC.No.306 of 2022

Manna Munisekhar

...Petitioner/Petitioner

Vs.

State: rep. by
The Sub Inspector of Police,
CSCID Thiruvallur Police Station,
Thiruvallur District
(crime No.353 of 2021)

...Respondent/Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C. to set aside the order passed by the learned Judicial Magistrate No.I, Thiruvallur, Thiruvallur District in Crl.MP.No.191 of 2022 dated 10.02.2022 dismissing the petition to return the vehicle of Ashok Leyland Lorry bearing Registration No.AP-31-TD/3119 to the petitioner.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate(crl.side)

ORDER

This revision has been filed against the dismissal of the petition in Crl.MP.No.191 of 2022 dated 10.02.2022 passed by the learned Judicial Magistrate No.I, Thiruvallur, Thiruvallur District seeking for return of the vehicle of Ashok Leyland Lorry bearing Registration No.AP-31-TD/3119

2. The brief facts of the case :-

The respondent has registered a case in Cr.No.353 of 2021 for the offence under Section 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a) (ii) EC Act, 1955, Section 6(A) of the Essential Commodities Act, 1955 and had seized the vehicle of Ashok Leyland Lorry bearing Registration No.AP-31-TD/3119 for having used the same for transporting PDS rice. The petitioner who is the owner of the vehicle and not arrayed as an accused, had



filed CrI.MP.No.191 of 2022 under Section 451 Cr.PC seeking for return of the vehicle. The learned Judicial Magistrate No.I, Thiruvallur, Thiruvallur District finding that the seized property handed over to the District Revenue Officer for confiscation process and the respondent is not having the case property in their custody, had dismissed the petition for return of the vehicle by order dated 10.02.2022, against which the present revision has been filed.

3. The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and he is not an accused in this case. The petitioner's friend, who is arrayed as A2, had taken the vehicle for rental purpose but misused the same by transporting PDS rice and thereby, the petitioner's vehicle has been seized by the respondent. He would submit that the petitioner appeared for enquiry and the respondent finding that the petitioner has nothing to do with the offence had not implicated the petitioner in the crime. The petitioner is put to severe hardship and loss due to the detention of the vehicle. He would submit that the petitioner is prepared to contest the confiscation proceedings, if any, by giving a reply. He would submit that the vehicle is now kept in the open place, exposed to the vagaries of weather and thereby the value of the vehicle is getting deteriorated day by day. He would submit that the petitioner is prepared to abide by any stringent condition that may be imposed on him and that he is prepared to produce the vehicle as and when required by the respondent/police or confiscating authority.

4. The learned Government Advocate (CrI. side) appearing for the respondent police would submit that the vehicle of Ashok Leyland Lorry bearing Registration No.AP-31-TD/3119 was seized by the respondent in connection with the Cr.No.353 of 2021 for having used in the illegal transportation of PDS rice. He would submit that the petitioner is not an accused in this case. He would further submit that so far the respondent has not initiated confiscation proceedings and therefore, he is not having any objection to return the vehicle.

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

6. The petitioner is the owner of Ashok Leyland Lorry bearing Registration No.AP-31-TD/3119. The petitioner is not an accused in this case. Further the respondent has not initiated any confiscation proceedings so far and not having any objection to return the vehicle.



7. Taking into consideration the fact that the learned Government Advocate(crl.side) is not having any objection to return the vehicle and the petitioner who has filed this revision is not arrayed as an accused in the above case, this Court is of the opinion that the interim custody of the vehicle may be handed over to the petitioner subject to imposition of conditions.

8. Accordingly, the Criminal Revision is allowed and the impugned order, dismissing the petition for return of vehicle in CrI.MP.No.191 of 2022 dated 10.02.2022 passed by the learned Judicial Magistrate No.I, Thiruvallur, Thiruvallur District, is hereby set aside and that the interim custody of the vehicle in question, Ashok Leyland Lorry bearing Registration No.AP-31-TD/3119 shall be handed over to the petitioner, subject to the following conditions:

i) The petitioner shall execute a bond for a sum of Rs.50,000/- with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thiruvallur, Thiruvallur District

ii) The petitioner shall produce the Original RC Book of the vehicle in question before the learned Judicial Magistrate No.I, Thiruvallur, Thiruvallur District and file an affidavit of undertaking that he will not dispose or alter the physical features of the vehicle and that he will produce the vehicle before the said Court as and when required by the Trial Court or the Investigating Agency.

iii) The RC book of the vehicle shall be retained by the Trial Court till the disposal of the trial or until further orders from this Court.

The respondent is at liberty to proceed with the confiscation proceedings and the order passed in this revision will not be a bar to the authorities in proceeding with the confiscation proceedings.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



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To

1. The Judicial Magistrate No.I,
Thiruvallur, Thiruvallur District

2. Do Thro The Chief Judicial Magistrate, Thiruvallur

3. The Sub Inspector of Police,
CSCID Thiruvallur Police Station,
Thiruvallur District

4. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.R.Sasikumar, Advocate sr 17539.

Crl.RC.No.306 of 2022

SSI (CO)
SP(22/03/2022)