



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.9729 of 2022

G.Venkatesan,
S/o. Govindarajan

...Petitioner/Accused

Versus

The Station House Officer,
Parangipettai Police Station,
Parangipettai,
Chidambaram - 608 501.

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 21.12.2021, passed in Crl.R.C.No.53 of 2021 by the learned Principal District Judge, Cuddalore, which confirmed the order dated 26.04.2021 in Crl.M.P.No.1176 of 2021 passed by the Judicial Magistrate, Parangipettai.

For Petitioner : Mr.R.Gopinath

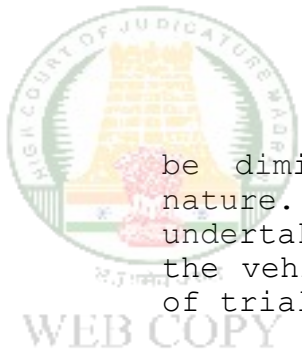
For Respondent : Mr.A.Gokulakrishnan,
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the order of Revisional Court dismissing the revision rejecting the prayer for return of property.

2. The petitioner was arrested for carrying tobacco products on the basis of F.I.R. registered in Crime No.57 of 2021 for the offence under Sec.273 and 328 of I.P.C. and 20(2) of the Cigarette and other Tobacco Products Act, 2003. The subject vehicle was seized and handed over to learned Judicial Magistrate. The learned Judicial Magistrate has dismissed the petition filed for return of property. The order has been confirmed in the Revision Petition by the Sessions Court, which has been now challenged before this Court.

3. The learned counsel appearing for petitioner would submit that allowing the vehicle in the custody of respondent police or in the police station, the value of the vehicle will



be diminished and it will be exposed in the vagaries of nature. The learned counsel would also submit that he will undertake not to alienate or to sell the vehicle and produce the vehicle as and when required by the court for the purpose of trial.

4. Such being the position, as the petitioner has already been prosecuted, mere keeping the property in the custody of police will certainly diminish the value of the vehicle, since the same will be exposed in the vagaries of nature. Accordingly, this Court allow the petition to set aside the order of revisional court and ordered release of vehicle on the following conditions :-

- (i) The petitioner shall deposit a sum of Rs.20,000/- before the trial court Magistrate, where the F.I.R. in Crime No. 57 of 2021 is pending;
- (ii) The petitioner shall execute a bond for production of vehicle as and when required by the trial court;
- (iii) The petitioner shall not alter or sell or transfer the property till the trial proceedings is over.

5. With the above conditions, the prayer to return the vehicle is allowed and the trial court shall take photographs of vehicle while releasing the vehicle and keep the photographs in the concerned case records. Accordingly, this Criminal Original Petition is allowed and the order passed in CrI.R.C.No.53 of 2021 on the file of learned Principal District Judge, Cuddalore confirming the order passed in CrI.M.P.No.1176 of 2021, on the file of Judicial Magistrate, Parangipettai is set aside.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

1.The Station House Officer,
Parangipettai Police Station,
Parangipettai,
Chidambaram - 608 501.

2.The Public Prosecutor,
High Court, Madras.



Copy to:

1.The Principal District Judge,
Cuddalore.

2.The Judicial Magistrate,
Parangipettai.

+lcc to Mr.R.Gopinath, Advocate SR. No. 33414

CRL.O.P.No.9729 of 2022

MG (CO)

PR (21/06/2022)