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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.689 of 2022

Y.Parthasarathi, M/A-49 years

... Petitioner

Versus

State Represented by
The Inspector of Police,
B1, Thiruvallur Town Police Station,
Thiruvallur District.
(Crime No.188 of 2022)

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the order dated 24.05.2022 in C.M.P.No.2983 of 2022 passed by the Learned Judicial Magistrate No.I, Thiruvallur, and consequently, direct the respondent to hand over the vehicle to the petitioner on any condition that may be imposed upon him.

For Petitioner : Mr.S.Gopi

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.side)

O R D E R

The petition for interim custody of the vehicle filed under Section 451 & 457 of Cr.P.C., was rejected by the Learned Judicial Magistrate No.I, Thiruvallur, by order dated 24.05.2022 in C.M.P.No.2983 of 2022, against which, the present Criminal Revision is filed.

2.The gist of the case is that the petitioner's vehicle was seized for investigation in Crime No.188 of 2022 for the alleged offence under Section 8(c) r/w 20(b)(ii)(A) & Section 25 of the NDPS Act. The allegation is that the driver of the vehicle, which is an Ambulance, upon being called for enquiry, confessed that he had kept 200 grams of Ganja in the vehicle, accordingly, the vehicle was seized.



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3.The learned counsel for the petitioner would submit that the petitioner is not an accused in the case and he is a lawful owner of the vehicle and only for the alleged involvement of the driver, the vehicle was seized.

4.Considering the nature of the case and the reasons mentioned in the impugned order, I am of the view of that the order of the Learned Magistrate is unsustainable and the vehicle cannot be allowed to rot and go waste and the petitioner is the lawful owner and he can be entrusted with the vehicle subject to any appropriate condition. Therefore, the petitioner is entitled to return of the vehicle on the following terms:-

(i) The order of the Learned Judicial Magistrate No.I, Thirvallur, in CrI.M.P.No.2983 of 2022, dated 24.05.2022, is set aside.

(ii) The petitioner will be entitled for return of the SEDAN (MAXI CAB), private Ambulance, bearing Registration No.TN -63 H 3535, having Chassis No.T58026760G07, Engine No.D18015358.

(iii) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Magistrate, 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;

(iv) The petitioner shall not alter or alienate the vehicle in any manner till adjudication is over;

(v) 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 and by the court below and as well as by the District Collector of the District or authorized officer in that behalf by the Government.

(vii) 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.

(viii) The petitioner shall not indulge in the similar offence either by using the present vehicle or any other vehicle. If the petitioner is found to be involved in any of similar offence in future either by way using the present vehicle or through any other vehicle, this order of returning the present vehicle (SEDAN (MAXI CAB), private Ambulance, bearing Registration No.TN -63 H 3535, having Chassis



No.T58026760G07, Engine No.D18015358), shall stand automatically vacated, and this vehicle will be again seized by the respondent/police and produce before the Court concerned.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate No.I,
Thiruvallur.
- 2.The Public Prosecutor,
High Court of Madras.
- 3.The Inspector of Police,
State Govt.
B1, Thiruvallur Town Police Station,
Thiruvallur District.
- 4.The Section Officer,
Crl.Section (Records)
High Court, Madras.

+1cc to Mr.S.Gopi, Advocate, S.R.No.34301

Crl.R.C.No.689 of 2022

BR(CO)
SB(24/06/2022)