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Crl.R.C.No.810 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.810 of 2022

Ilaiyaraja,
S/o.Balusamy

... Petitioner

Versus

State By,
The Sub-Inspector of Police,
Alivalam Police Station,
Thiruvavarur District.
(Crime No.24 of 2022)

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the order passed in Crl.M.P.No.1809 of 2022 dated 14.06.2022 on the file of the learned Judicial Magistrate Court, Thiruthuraipoondi and further direct the respondents to return the petitioner's Bajaj Pulsar Bike bearing register No.TN-50 AB-9741 seized in Crime No.24 of 2022 on the file of Respondent Police.

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

ORDER

This Revision is filed aggrieved by the order of the learned Judicial

Magistrate, Thiruthuraipoondi dated 14.06.2022 in Crl.M.P.No.1809 of 2022, in



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and by which, the prayer of the petitioner for return of interim custody of the vehicle, namely Bajaj Pulsar Bike bearing Registration No.TN-50 AB-9741 is rejected by the learned Judicial Magistrate.

2. Though the learned Judicial Magistrate has recorded that the property is liable to be confiscated, to the query by this Court, the learned Government Advocate (Crl.Side), would reply that sofar, no proceedings for confiscation has been initiated by the respondent police.

3. In that view of the matter, the order of the learned Judicial Magistrate is not sustainable. Instead of allowing the vehicle to rot and go waste, I am of the view that the vehicle can be returned to the petitioner subject to the following conditions :-

(i) The order of the learned Judicial Magistrate, Thiruthuraipoondi in Crl.M.P.No.1809 of 2022 dated 14.06.2022 is set aside;

(ii) The petitioner will be entitled for return of the Bajaj Pulsar Bike bearing Registration No.TN-50 AB-9741, having Chassis No.MD2A12DY7HWK00101 Engine No.DJYWGJ51816.



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

(vi) 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.

(vii) 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



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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 (Bajaj Pulsar Bike bearing Registration No.TN-50 AB-9741, having Chassis No.MD2A12DY7HWK00101 Engine No.DJYWGJ51816), shall stand automatically vacated, and this vehicle will be again seized by the respondent/police and produce before the Court concerned;

4. The Criminal Revision Case is allowed accordingly.

29.06.2022

Index : yes/no

Speaking/Non-speaking order

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To

1.The Special Judge for EC & NDPS Act Cases, Salem.

2.The Public Prosecutor, High Court of Madras.

3.The Inspector of Police, Nemili Police Station, Ranipet District.



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D.BHARATHA CHAKRAVARTHY, J.,

sp

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