



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.R.C.NO.1126 OF 2021

Baskaran

...Petitioner

Vs.

State rep. by
The Sub Inspector of Police,
Sulur Police Station
in Crime No.592/2021,
Coimbatore District.

...Respondent

PRAYER : The Criminal Revision Petition is filed under Section 397 & 401 of the Code of Criminal Procedure, to set aside the order dated 17.08.2021 in Crl.M.P.No.1422 of 2021 in Crime No.592/2021 passed by the learned Judicial Magistrate, Sulur and order interim custody of vehicle Reg.No.TN-37-CM-3232 to the petitioner.

For Petitioner : Mr.R.Radha Pandian

For Respondent : Mr.S.Sugendran
Government Advocate [Crl. Side]

O R D E R

(The case had been heard through Video Conferencing)

This Criminal Revision Petition has been filed against the dismissal of the petition filed under section 451 read with 457 of Cr.P.C., seeking for return of property.

2. Learned counsel for the petitioner would submit that the petitioner is the mother of Late Baskaran, owner of the car bearing Registration No.TN 37 CM 3232. The said Baskaran died on 02.12.2020. Subsequent to his death, car was used by her younger son Sudhakaran . Whiles, on 10.06.2021, the car was seized by the respondent police in connection with Crime No.592/2021 for the offence under sections 4(1)(a), 4(1)(i) T.N.P Act and the said Sudhakaran was arrested. The petitioner, being the legal heir of the said Baskaran along with the NOC of the other legal heirs had filed the petition seeking for return of property in Crl.M.P.No.1422 of 2021 and the learned



Magistrate finding that the confiscation proceedings have been initiated, had dismissed the petition. Learned counsel for the petitioner would submit that the vehicle is parked in the open area exposed to vagaries of weather and thereby the value of the vehicle is diminishing day by day. He would also submit that the petitioner is not an accused in this case and she would undertake that she will not dispose the vehicle and would abide any stringent conditions that may be imposed on her and that the petitioner is prepared to produce the vehicle before the authorities or before the Court as and when required by them and thereby would seek to set aside the impugned order and direct the release of the vehicle.

3. Mr.S.Sugendran, Learned Government Advocate(Crl.Side) appearing for the respondent would submit that the respondent has registered a case in Crime No.592/2021 for the offences under sections 4(1)(a), 4(1)(i) of T.N.P Act. The petitioner's younger son one Sudhakaran was found to have illegally transported Karnataka liquor worth about Rs.27,000/- and the vehicle was seized along with the liquor. He would further submit that the petitioner is not an accused in this case and however, show cause notice for confiscation was issued on the petitioner.

4. Taking into consideration of the facts and circumstances of the case that the petitioner is not an accused and notice has been issued for confiscation, this Court is of the opinion that the interim custody of the vehicle can be granted to the petitioner.

5. In view of the above, the order dated 17.08.2021 made in Crl.M.P.No1422 of 2021 stands set aside and the Criminal Revision Petition stands allowed and the interim custody of the vehicle is directed to be handed over to the petitioner subject to the following conditions:

a) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sullur.

b) The petitioner shall produce the Original RC book of the vehicle in question before the concerned Trial Court and file an affidavit of undertaking that she will not dispose or alter physical features of the vehicle and that she will produce the vehicle before the trial Court as when required by the trial Court or the Investigating Agency.

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

6. The concerned authority shall proceed further 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.

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Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

vri/shk

To

1. Judicial Magistrate,
Sulur.
2. The Sub Inspector of Police,
Sulur Police Station
in Crime No.592/2021,
Coimbatore District.
3. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.R.Radha Pandian, Advocate Sr.No.1441

Crl.R.C.No.1126 of 2021

PL (CO)
RVM(28/01/2022)