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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.R.C.NO.1064 OF 2021

Rajkumar

... Petitioner/Accused

.Vs.

The State Represented by,
The Inspector of Police,
Podhanur Police Station,
Coimbatore.
(Crime No.680 of 2021)

... Respondent/Complainant

PRAYER:-

The Criminal Revision Petition is filed under Section 397 & 401 of the Code of Criminal Procedure, pleaded to set aside the order dated 22.11.2021 passed in CrI.M.P.No.422 of 2021 by the Judicial Magistrate, Madhukarai.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

O R D E R

(This case has been heard through video conferencing)

The Criminal Revision Petition has been filed against the dismissal of the petition seeking for return of property.

2. The submissions of the learned counsel appearing for the petitioner is as under:-

(a) The petitioner is the owner of Maruti Super Carry Die STD BS4 bearing Registration No.TN-66-W-5214. The respondent/Police had seized the vehicle in connection with the Crime No.680 of 2021, registered for the offence under Section 4(1)(a)



of TN Prohibition Act, 6(a), 24(1) of Cigarette and Other Tobacco Products Act, 2003 & 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The allegation against the petitioner is that petitioner and the other accused transported the banned tobacco products. The Respondent had seized the vehicle and also arrested the petitioner, whereas the petitioner has been released on bail.

(b) Thereafter, the petitioner had filed an application seeking for interim custody of the vehicle in C.M.P.No.422 of 2021 before the District Munsif cum Judicial Magistrate, Madukkarai. The learned Magistrate, had dismissed the application contending that the confiscation proceedings are going to be initiated against the petitioner. At the time of grant of bail, the petitioner had deposited a non-refundable amount of Rs.50,000/- to the credit of Chief Educational Officer, Coimbatore and he has also filed an Affidavit of Undertaking before this Court on 19.01.2022 to pay an additional amount of Rs.25,000/- to the Chief Minister's Relief Fund.

(b) There is no other previous cases against the petitioner and the show cause notice has not been served so far. The seized vehicle has been parked in the open exposed to vagaries of weather and thereby the value of the vehicle is diminishing day by day. The petitioner undertakes that the alleged vehicle will not be used for any other illegal activities in future and that the vehicle would be produced before the respondent or the confiscation authorities as and when required for and thereby he would seek to set aside the impugned order and direct the release of the vehicle.

3. Mr.S.Sugendran, Additional Public Prosecutor would submit that the petitioner along with two others was found to have illegally transported the banned tobacco products in the four wheeler belonging to the petitioner and he would further submit that there is no other previous case against the petitioner and the confiscation proceedings has not been initiated so far.

4. Heard the learned counsel and perused the materials available on record.

5. Taking into consideration the fact that, there is no previous case against the petitioner and the confiscation proceedings has not been initiated so far and his voluntary offer made to pay a sum of Rs.25,000/- to the credit of Chief Minister's Relief Fund, this court is of the opinion that the interim custody of the vehicle may be granted to the petitioner.

6. In view of the above, the order dated 22.11.2021 in CrI.M.P.No.422 of 2021 stands set aside and the Criminal



Revision Petition stands allowed and the learned Judicial Magistrate is directed to hand over the interim custody of the vehicle to the petitioner subject to the following conditions:

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a) The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), as non-refundable deposit through RTGS/NEFT in favour of the Joint Secretary & Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, e-mail: jscmprf@tn.gov.in or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and on such payment and production of proof, with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Madhukarai. the vehicle shall be returned;

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 he will not dispose or alter physical features of the vehicle and that he 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.

7. 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.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsif-cum-Judicial Magistrate,
Madhukarai.
2. The Inspector of Police,
Podhanur Police Station,
Coimbatore.
3. The Joint Secretary & Treasurer,
The Chief Minister's Public Relief Fund,
Finance (CMPRF) Department,
The Government of Tamil Nadu,
Secretariat, Chennai - 009.
4. The Judicial Magistrate,
Madhukarai.
5. The Additional Public Prosecutor,
High Court of Madras.

CRL.R.C.NO.1064 OF 2021

RR(CO)
PBS/18/02/2022