



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 01.02.2022

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.10 of 2022

B.Muthukumar

.. Petitioner/Petitioner

Vs.

Station House Officer/Sub-Inspector of Police,
M.Reddiyapatti Police Station,
M.Reddiyapatti,
Virudhunagar District.

.. Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records in pursuant to the order passed in Crl.M.P.No.5241 of 2021 on the file of the learned Judicial Magistrate, Aruppukkottai dated 16.12.2021 and to set aside the same as illegal and consequently to direct the respondent to return the vehicle bearing registration No.TN-65-AV-6383 BAJAJ PULSAR two wheeler to the petitioner.

For Petitioner

: Mr.S.Selvakumar

For Respondent

: Mrs.M.Aasha, Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.5241 of 2021 dated 16.12.2021, on the file of the learned learned Judicial Magistrate, Aruppukkottai.

2.A two wheeler bearing Registration No.TN-65-AV-6383 was seized by the respondent police in Crime No.97 of 2021 under Section 4(1)(K) r/w. 14(A) of TNP Act. Subsequently, the petitioner claiming himself as the owner of the two wheeler, has approached the learned Judicial Magistrate, Aruppukkottai, by filing a petition for release of the vehicle and the learned Judge dismissed the petition in Crl.M.P.No.5241 of 2021 dated 16.12.2021. Against which, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the petitioner is not an accused in the case. The reason for dismissal is that confiscation proceedings were initiated. The confiscation proceedings is not a bar for return of the vehicle for interim custody. There are so many judgments of this Court wherein the



property was returned during the pendency of the confiscation proceedings and prayed the vehicle to be returned to the petitioner.

4.On the side of the respondent, it is stated that the petitioner is not an accused. The vehicle was seized by the respondent police for transporting six bottles of brandy. The confiscation proceedings are initiated. The show cause notice was issued on 19.01.2021. There is no reply from the petitioner and prayed the petition to be dismissed.

5.It is seen that the petitioner is the owner of the vehicle. Pendency of the confiscation proceedings is not a bar for returning the vehicle for interim custody. The vehicle was seized by the respondent police on 29.10.2021. Keeping the vehicle in open space will make the vehicle useless. Hence, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate, Aruppukottai in Cr.M.P.No.5241 of 2021 is hereby set aside. The vehicle is directed to be returned to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:

(i)The petitioner is directed to execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukottai ;

(ii)The petitioner shall deposit the original Registration Certificate of the vehicle with the learned Judicial Magistrate, Aruppukottai ;

(iii)The petitioner shall not alienate and shall not make any alteration in the vehicle ;

(iv)The petitioner shall produce the vehicle before the Court and before the respondent as and when required and this order is subject to the final order to be passed in the confiscation proceedings ;

(v)The petitioner shall not use the vehicle for commission of any offence ;

(vi)If the aforesaid conditions are not complied, the order of interim custody of vehicle stands automatically cancelled.

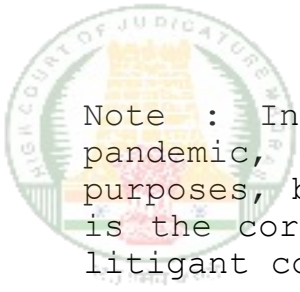
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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- To
- 1.The Judicial Magistrate,
Aruppukottai.
 - 2.The Station House Officer/Sub Inspector of Police,
M.Reddiyapatti Police Station,
M.Reddiyapatti,
Virudhunagar District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.10 of 2022
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