



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 04.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.95 of 2022

R.Ramakrishnan

... Revision Petitioner/Accused No.1

Vs.

State represented by
Inspector of Police,
Kallikudi P.S., Madurai District,
Cr.No.217 of 2021.

...Complainant/Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records and set aside the order, dated 11.01.2022 made in Crl.M.P.No.6459 of 2021, on the file of the Judicial Magistrate, Tirumangalam consequently pass an order directing the Respondent to release the vehicle Renault Triber Car bearing Registration No.TN-67-BL-7158 for interim custody from the Respondent police.

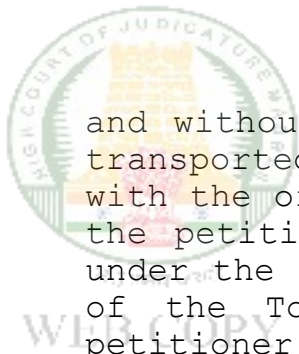
For Petitioner	: Mr.V.Nagarajan
For Respondent	: Mr.K.Sanjay Gandhi
	Government Advocate (Crl. Side)

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.6459 of 2021, dated 11.01.2022, by the learned Judicial Magistrate, Thirumangalam.

2.The vehicle bearing Registration No.TN-67-BL-7158 was seized by the respondent police in Cr.No.217 of 2021 for the offences under Sections 284, 328 of IPC r/w 24(1) of Cigarette and other Tobacco Products Act, 2003. The petitioner claiming himself as a owner of the vehicle filed a petition under Section 451 Cr.P.C., in Cr.M.P.No.6459 of 2021 and that petition was dismissed by the learned Judicial Magistrate, Thirumangalam. Against the same, the petitioner has filed this petition.

3. On the side of the revision petitioner, it is stated that the revision petitioner is the manufacturer and seller of food products. He purchased the vehicle for transporting the food products. He engaged two persons for transporting his food products



and without the knowledge of the petitioner, the other two persons transported the Tobacco Products. The petitioner is no way connected with the offence. The trial Court, without considering the fact that the petitioner has sought for the return of the vehicle alone and under the impression that the petitioner also sought for the return of the Tobacco Products, has come to the conclusion that the petitioner is not entitled for the relief sought for. The petitioner never asked for the contraband. The vehicle is kept in the open place for the past six months and prayed the vehicle to be returned to the petitioner for interim safe custody.

4. On the side of the prosecution, it is stated that the petitioner is A1. The vehicle was used for transporting the Tobacco products along with Masala products and the investigation is in the preliminary stage and prayed the petition to be dismissed.

5. It is seen that the petitioner is the owner of the vehicle. The vehicle was purchased on 06.05.2021. The vehicle was seized by the respondent police on 19.10.2021. The vehicle is kept idle for the past three months. Since three months was over from the date of registration of the FIR, major portion of the investigation ought to have been completed by this time. In the above circumstances, this Court is inclined to return the vehicle to the petitioner for interim custody subject to the result of the confiscation proceedings.

6. In view of the same, this Criminal Revision Case is allowed. The learned Judge is directed to return the vehicle to the petitioner subject to the confiscation proceedings on the following conditions:

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

(ii) The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.217 of 2021, before the learned Judicial Magistrate, Thirumangalam within a period of two weeks from the date of receipt of copy of this order.

(iii) The petitioner is directed to execute a bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam ;

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



(v)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 ;

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(vi)If any of the aforesaid conditions are violated, this order automatically stands cancelled.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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.

To

- 1.The Judicial Magistrate,
Thirumangalam.
- 2.The Inspector of Police,
Kallikudi P.S., Madurai District,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.NAGARAJAN, Advocate (SR-4377[F] dated 04/02/2022)

Crl. R.C. (MD)No.95 of 2022
04.02.2022

nsn(CO)
TR(09.02.2022) 3P 5C