



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD)No.155 of 2022

V.Subramanian

... Petitioner/Petitioner
/owner of the Vehicle

Vs.

The State represented by
The Sub Inspector of Police
Tamil University Police Station
Thanjavur
(In Crime No.591 of 2021)

...Respondent/ Respondent
/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.5489 of 2021 in Crime No.591 of 2021 dated 03.12.2021 on the file of the learned Judicial Magistrate No.II, Thanjavur and set aside the same.

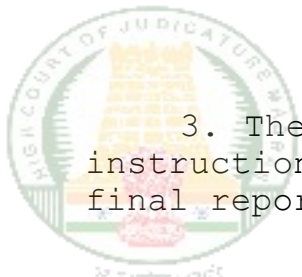
For Petitioner : Mr.K.Sivabalan

For Respondent : Mrs.M.Aasha
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Case has been filed challenging the order passed by the learned Judicial Magistrate No.II, Thanjavur, in Cr.M.P.No.5489 of 2021 on 03.12.2021, thereby dismissing the petition filed by the petitioner for return of vehicle, namely, Ashok Leyland Dost, bearing Registration No.TN-55-BE-7593.

2. The petitioner owned the vehicle, namely, Ashok Leyland Dost, bearing Registration No.TN-55-BE-7593. However, the said vehicle was used for the offences registered in Crime No.591 of 2021 for the offence under Sections 328 IPC and 6(a), 6(b) of Cigarette and other Tobacco Products Act on 15.07.2021 used by other accused persons. In pursuant to the said crime, the vehicle was seized and produced before the learned Judicial Magistrate No.2, Thanjavur. While pending investigation, the petitioner filed the petition for return of his vehicle and the same was dismissed for the reason that the investigation is pending.



3. The learned Additional Public Prosecutor (Criminal Side), on instructions, would submit that the investigation is completed and final report was filed and the same has not taken cognizance.

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

5. Considering the above facts and circumstances, this Court is inclined to return the vehicle on the following conditions:

(i) The petitioner is directed to execute a bond for sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Magistrate Court No.II, Thanjavur, within a period of four weeks from the date of receipt of a copy of this order;

(ii) The petitioner shall surrender the original Registration Certificate of the vehicle before the learned Magistrate Court No.II, Thanjavur;

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

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

(v) As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.

6. With the above observations, the impugned order made in Cr.M.P.No.5489 of 2021, dated 03.12.2021, is set aside and this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



mga
To:-

1.Judicial Magistrate No.II,
Thanjavur.

2.The Sub Inspector of Police
Tamil University Police Station
Thanjavur

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.SIVABALAN, Advocate (SR-8813[F] dated 25/02/2022)

ORDER MADE IN
Crl.R.C. (MD) No.155 of 2022
25.02.2022

PKP/12.03.2022/3P/5C