



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.278 of 2022

Manikandan

... Petitioner/Petitioner

Vs.

The State represented by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur.
(Crime No.1149 of 2021)

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records made in Cr.M.P.No.494 of 2022 on the file of the Judicial Magistrate No.II, Thanjavur, dated 07.03.2022 and set aside the order of the learned Magistrate.

For Petitioner : Mr.G.Karnan

For Respondent : Mrs .M.Aasha

Government Advocate (Criminal Side)

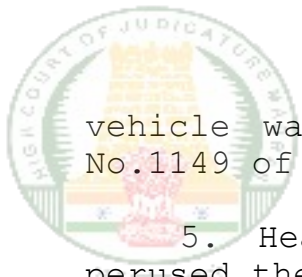
O R D E R

This Criminal Revision Case has been filed to set aside the order passed by the learned Judicial Magistrate No.II, Thanjavur, dated 07.03.2022 in Cr.M.P.No.494 of 2022.

2. The learned counsel appearing for the petitioner submits that the respondent police registered a case in Crime No.1149 of 2021 for the offences under Sections 328 IPC read with 6(a), 6(b) and 24(1) of Cigarette and other Tobacco Products Act, 2005 and Section 25 (1-B)(b) of Arms Act. Totally, there are two accused in this case and the petitioner is not an accused. He is the owner of the vehicle, namely, Mahindra Bolero, bearing Registration No.TN-49-BM-5266.

3. According to the petitioner, the Tobacco product was unloaded from the lorry and reloaded the same into the petitioner's vehicle. The respondent came to the place of occurrence and seized the lorry as well as the petitioner's vehicle. No contraband were seized from the petitioner's vehicle. The petitioner is not an accused. Even then, the Court below dismissed the petition for return of vehicle without stating any reason.

4. The learned Government Advocate (Criminal Side) submitted that there are three accused, in which the petitioner is not arrayed as an accused. When the petitioner's vehicle loaded the Tobacco products from the lorry, they were caught and the petitioner's



vehicle was seized pursuant to the registration of FIR in Crime No.1149 of 2022.

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

WEB COPY

6. The learned counsel appearing for the petitioner would submit that the investigation was completed and the respondent filed the final report in Crime No.1149 of 2022 and it is pending. Further, he would submit that there is no evidence to show that the occurrence took place inside the vehicle.

7. Considering, no purpose will be served in keeping the vehicle in custody. In view of the same, the order passed by the learned Judicial Magistrate No.II, Thanjavur, dated 07.03.2022 in Cr.M.P.No.494 of 2022 is set aside and the learned Magistrate is directed to release the vehicle of the petitioner forthwith on the following conditions:

- that the petitioner is directed to execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only), to the credit in Crime No.1149 of 2021 pending on the file of the learned Judicial Magistrate No.II, Thanjavur, within a period of four weeks from the date of receipt of a copy of this order;
- that the petitioner shall deposit the original Registration Certificate of the vehicle with the learned Judicial Magistrate No.II, Thanjavur;
- that the seized item should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner;
- that the petitioner shall not alienate and shall not make any alteration in the vehicle;
- that the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;
- If any of the conditions are violated, this order automatically stands cancelled.

8. With the above observations, the impugned order made in Cr.M.P.No.494 of 2022, dated 07.03.2022, is set aside and this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To:-

1. The Judicial Magistrate No.II,
Thanjavur.
2. The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.R.C. (MD) No.278 of 2022
21.03.2022

SB (CO)
KB (01.04.2022) 3P 4C