



Crl.R.C.(MD) No.627 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.627 of 2022

Thangamariappan

... Petitioner/Petitioner/Owner of the
Vehicle/Accused

Vs.

The State, represented by
The Sub-Inspector of Police,
Sattur PEW Police Station,
Virudhunagar District.
(Crime No.654 of 2022)

... 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 dated 27.06.2022 passed by the learned Judicial Magistrate No.I, Sattur, in Crl.M.P.No. 367 of 2022 in Crime No.654 of 2022 on the file of the respondent police and set aside the same by allowing the above criminal revision petition and further direct the respondent police to return the Hero Splendor + BS6-13S Two-wheeler bearing Registration No.TN-67-BK-7340 to the revision petitioner.



WEB COPY

Crl.R.C.(MD) No.627 of 2022

For Petitioner : Mr.P.Saravanakumar,
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. side).

ORDER

This Criminal Revision Petition is directed against the order passed in CrI.M.P.No.367 of 2022 dated 27.06.2022 on the file of the learned Judicial Magistrate No.I, Sattur, dismissing the petition filed under Section 457 Cr.P.C., for returning of the vehicle.

2. It is not in dispute that the respondent police registered a case in Crime No.654 of 2022 for the alleged offence under Section 4(1)(a) of Tamil Nadu Prohibition Act against the petitioner and that they have seized a vehicle viz., two wheeler bearing Registration No.TN-67-BK-7340 and the same was remanded.

3. The petitioner claims to be the owner of the said vehicle, has filed a petition under Section 457 Cr.P.C., seeking return of the vehicle, but the learned Magistrate, by observing that confiscation authority has already received the vehicle and the same has been seized by the confiscation authority and that Court do not possess sufficient jurisdiction to order of interim custody of the vehicle,



Crl.R.C.(MD) No.627 of 2022

has dismissed the application. Challenging the dismissal order, the above Criminal Revision came to be filed before this Court.

4. The learned counsel for the petitioner would submit that the vehicle bearing Registration No.TN-67-BK-7340 is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, that the vehicle is with the police from 03.07.2022 and that if the vehicle is kept in open place, the value of the said vehicle will get deteriorated and that therefore interim custody may be granted to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the State would submit that the vehicle was seized under the provisions of Prohibition Act and confiscation proceeding was initiated and that therefore the learned Magistrate has rightly dismissed the petition. He would further submit that the petitioner is having 7 previous cases, in which, all the cases were similar in nature.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.



Crl.R.C.(MD) No.627 of 2022

WEB COPY

7. As already pointed out, the learned Magistrate has dismissed the petition mainly on the ground that confiscation proceedings have already been initiated.

8. It is also not in dispute that the vehicle in question was seized on 03.07.2022 and as of now, no confiscation order was passed by the concerned authority.

9. Considering the facts and circumstances of the case and also the fact that if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 27.06.2022 passed in Crl.M.P.No.367 of 2022, by the learned Judicial Magistrate No.I, Sattur.

10. Accordingly, this Criminal Revision Petition is allowed and the order dated 27.06.2022 in Crl.M.P.No.367 of 2022 in Crime No.654 of 2022 on the file of the learned Judicial Magistrate No.I, Sattur, is hereby set aside and the vehicle / two wheeler bearing Registration No.TN-67-BK-7340, is ordered to be returned to the petitioner for interim custody subject to the confiscation



Crl.R.C.(MD) No.627 of 2022

proceedings to be taken by the concern Department or by the Court on the following conditions:-

- (a) the petitioner is directed to deposit a sum of Rs.10,000/-(Rupees Ten Thousand only) as non-refundable for the vehicle to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172) ;
- (b) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.1, Sattur;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.1, Sattur;
- (d) the petitioner shall not alienate and shall not make any alteration in the vehicle; and
- (e) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

11.08.2022

Index : Yes/No
Internet : Yes/No
csm



WEB COPY



Crl.R.C.(MD) No.627 of 2022

K.MURALI SHANKAR, J.

csn

To:-

1. The Judicial Magistrate No.I,
Sattur.
2. The Sub-Inspector of Police,
Sattur PEW Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**ORDER MADE IN
Crl.R.C.(MD)No.627 of 2022**

11.08.2022