



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2022

CORAM:

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Cr1.R.C. (MD)No.560 of 2021

Velmurugan

... Petitioner/
Petitioner

Vs.

The State represented by
The Inspector of Police,
Nadukkavery Police Station,
Thanjavur District.

... Respondent/
Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to order in Cr.M.P.No.1135 of 2021 dated 27.07.2021 passed by the Judicial Magistrate Court, Thiruvaiyaru, and to set aside the same.

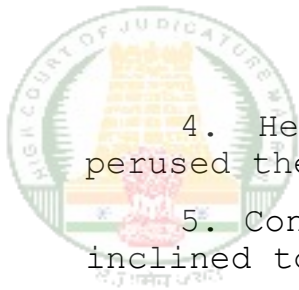
For Petitioner : Mr.A.Arunprasad
For Respondent : Mrs.M.Aasha
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Petition has been filed challenging the order passed by the the Judicial Magistrate Court, Thiruvaiyaru, in Cr.M.P.No.1135 of 2021 on 27.07.2021, thereby dismissing the petition filed by the petitioner for return of vehicle, namely, Ashok Leyland Dost, bearing Registration No.TN-49-BL-7466.

2. The petitioner is arraigned as an accused. The vehicle bearing Registration No.TN-49-BL-7466 is involved in Crime No.121 of 2021 registered for the offences under Sections 4(1)(a) and 4(1)(A) of Tamil Nadu Prohibition Act. While pending investigation, the petitioner filed this petition for return of vehicle. However, the learned Jurisdictional Magistrate dismiss the petition for the reason that already confiscation proceedings has been initiated and it is pending.

3. On perusal of the counter filed by the respondent, even till now no confiscation proceedings initiated as against the petitioner and it is lying in the court custody. Investigation also not yet completed.



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 a 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 Judicial Magistrate Court, Thiruvaiyaru, 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 Judicial Magistrate Court, Thiruvaiyaru;

(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.1135 of 2021, dated 27.07.2021, is set aside and this Criminal Revision Case is allowed.

Sd/-

Deputy Registrar (LA & MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Judicial Magistrate,
Thiruvaiyaru.

2.The Inspector of Police,
Nadukkavery Police Station,
Thanjavur District.



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

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MGJ(16.03.2022) 3P 4C