



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Crl.R.C.(MD)No.576 of 2021
and
Crl.M.P.(MD)No.6383 of 2021

Gayathri

... Petitioner/Appellant

Vs.

The State represented by
The Inspector of Police,
Thalamuthu Nagar Police Station,
Thoothukudi District.
(Crime No.129 of 2021)

... Respondent/Defacto complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 07.08.2021 passed by the learned Judicial Magistrate II, Thoothukudi, in C.R.M.P.No.2159 of 2021.

For Petitioner : Mr.C.Jeganathan
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 learned Judicial Magistrate II, Thoothukudi, in C.R.M.P No.2159 of 2021 on 07.08.2021, thereby dismissing the petition filed by the petitioner for return of vehicle, namely, TVS XL 100, bearing Registration No.TN-96-D-1550.

2.Though the petitioner is not an accused, his father is an accused and he is a habitual offender. In the case, Crime No.129 of 2021 on the file of the respondents registered for the offences 4(1)(i), 4(1)(a) and 14(A) of Tamil Nadu Prohibition Act. The vehicle belong to the petitioner involved and the same has been seized and produced before the learned Judicial Magistrate No.2, Thoothukudi. While pending investigation, the petitioner filed this petition for return of his vehicle and the same was dismissed for the reason that already confiscation proceedings has been initiated as against the petitioner's vehicle.



3. The learned Additional Public Prosecutor (Criminal Side), on instructions, would submit that no confiscation proceedings has been initiated.

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.10,000/- (Rupees Ten Thousand only) with one surety, for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Thoothukudi, 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 No.2, Thoothukudi;

(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 C.R.M.P.No.2159 of 2021, dated 07.08.2021, is set aside and this Criminal Revision Case is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

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/ /2022

Sub Assistant Registrar (CS)

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To:-

- 1.The Judicial Magistrate II,
Thoothukudi.
- 2.The Inspector of Police,
Thalamuthu Nagar Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN

Crl.R.C. (MD) No.576 of 2021

25.02.2022

PKP/12.03.2022/3P/4C