



Crl.R.C.(MD) No.675 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

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Subiramani

... Petitioner/Petitioner

Vs.

The State represented by its
The Inspector of Police,
Thiruthuraipoondi Police Station,
Tiruvarur District.
Crime No.203 of 2022

...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 the order, dated 09.06.2022 made in Cr.M.P.No.2688 of 2022 on the file of the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur and set aside the order and direct the respondent herein to grant the interim custody of the vehicle viz., Maruti Swift Dzire bearing Registration No.TN-94-V-3137, which has been seized by the respondent herein in Crime No.203 of 2022, dated 01.05.2022.



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For Petitioner : Mr.K.M.Karunakaran
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. side)

ORDER

This Criminal Revision Petition is filed to set aside the order passed by the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur, in Cr.M.P.No.2688 of 2022 in Crime No.203 of 2022, dated 09.06.2022.

2.The petitioner claims to be the owner of the vehicle/Maruti Swift Dzire bearing Registration No.TN-94-V-3137. On 01.05.2022, the respondent police seized the vehicle viz., Maruti Swift Dzire bearing Registration No.TN-94-V-3137 in Crime No.203 of 2022 as the same was used for transporting 150 kgs of ganja and the same were remanded in R.P.R.No.97 of 2022 on the file of the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur.



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3.It is not in dispute that the petitioner has approached the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur, for returning of the said vehicle in Crl.M.P.No.2668 of 2022 and the learned Additional District Judge, vide order dated 09.06.2022, has dismissed the petition. Challenging the dismissal order, the above Criminal Revision came to be filed before this Court.

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

5.The learned Government Advocate (Criminal Side) would submit that the petitioner is not an accused, that the petitioner's son is arrayed as A2 in this case and that the vehicle was not involved in any other case previously. He would further submit that investigation is pending and that confiscation proceeding was initiated by the concerned Deputy Superintendent of Police.

6.The learned counsel for the petitioner would submit that the vehicle bearing Registration No.No.TN-94-V-3137 is owned by the petitioner, that the



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said vehicle has no connection whatever with the alleged occurrence, 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.

7.It is also not in dispute that the vehicle in question was seized on 01.05.2022 and as of now, no confiscation order was passed by the concerned authority.

8.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 09.06.2022 passed in Crl.M.P.No.2668 of 2022, by the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur.

9.Accordingly, this Criminal Revision Petition is allowed and the order dated 09.06.2022 in Crl.M.P.No.2668 of 2022 in Crime No.203 of 2022 on the file of the learned Additional District Judge/Presiding Officer, Special Court



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under Essential Commodities Act, Thanjavur, is hereby set aside and the vehicle / Maruti Swift Dzire bearing Registration No.TN-94-V-3137, is ordered to be returned to the petitioner for interim custody subject to the confiscation 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.50,000/- (Rupees Fifty 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.3,00,000/- (Rupees Three Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur;
- (d) the petitioner shall not alienate and shall not make any alteration in the vehicle; and



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(e) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

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Index : Yes/No
Internet : Yes/No
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To:-

- 1.The Additional District Judge/Presiding Officer,
Special Court under Essential Commodities Act, Thanjavur.
- 2.The Inspector of Police,
Thiruthuraipoondi Police Station,
Tiruvarur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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**ORDER MADE IN
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