



Crl.R.C.(MD) No.686 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **03.08.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

Crl.R.C.(MD)No.686 of 2022

Selvi @ Sagaya Dharma Selvi ... Petitioner/Petitioner

Vs.

The Inspector of Police,
Tamil University Police Station,
Thanjavur.
(Crime No.146 of 2019)

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order passed in Cr.M.P.No.2022 of 2022 on the file of the Judicial Magistrate No.II, Thanjavur, dated 15.06.2022, to hand over the interim custody of the vehicle bearing Registration No.TN-45-AF-2527 to the petitioner.

For Petitioner : Mr.S.Gokul Raj,
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. side).



WEB COPY

Crl.R.C.(MD) No.686 of 2022

ORDER

This Criminal Revision Petition is directed against the order passed in Cr.M.P.No.2022 of 2022 dated 15.06.2022 on the file of the learned Judicial Magistrate No.II, Thanjavur, dismissing the petition filed under Sections 451 and 457 of Cr.P.C., for returning of the vehicle.

2. The petitioner claims to be the owner of the car bearing Registration No.TN-45-AF-2527. On 13.08.2019, the respondent seized the vehicle viz., car bearing Registration No.TN-45-AF-2527 as the same was used for immoral traffic and registered a case in Crime No.146 of 2019 for the alleged offences under Sections 3(1), 4(1) and 5(1)(a) of Immoral Traffic (Prevention) Act and the property was produced before the learned Judicial Magistrate No.II, Thanjavur, in C.P.No.1580 of 2019 on 11.11.2019.

3. The petitioner has filed a petition under Sections 451 and 457 of Cr.P.C., seeking return of the vehicle and the learned Judicial Magistrate has dismissed the application. Challenging the dismissal order, the above Criminal Revision came to be filed before this Court.



Crl.R.C.(MD) No.686 of 2022

WEB COPY

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 having one previous case for similar offence and that the petitioner's vehicle was never involved in any other previous cases. He would further submit that investigation has already been completed and they are going to file charge sheet shortly.

6. The learned counsel for the petitioner would submit that the vehicle bearing Registration No. TN-45-AF-2527 is owned by the petitioner, that the 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. Considering the above 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 and that the vehicle in dispute was not involved in any other



Crl.R.C.(MD) No.686 of 2022

cases, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 15.06.2022 passed in Cr.M.P.No.2022 of 2022, by the learned Judicial Magistrate No.II, Thanjavur.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 15.06.2022 in Cr.M.P.No.2022 of 2022 on the file of the learned Judicial Magistrate No.II, Thanjavur, is hereby set aside and the learned Judicial Magistrate No.II, Thanjavur, is directed to release the vehicle of the petitioner forthwith 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.II, Thanjavur;



Crl.R.C.(MD) No.686 of 2022

WEB COPY

- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.II, Thanjavur;
- (d) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (e) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

03.08.2022

Index : Yes/No
Internet : Yes/No
csm

To:-

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



WEB COPY



Crl.R.C.(MD) No.686 of 2022

K.MURALI SHANKAR, J.

csn

**ORDER MADE IN
Crl.R.C.(MD)No.686 of 2022**

03.08.2022