



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.02.2022**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.704 of 2021

Ajithkumar

... Petitioner/
Petitioner

Vs.

The State represented by
The Inspector of Police,
Perungudi Police Station,
Madurai.
(Crime No.148 of 2021)

... Respondent/
Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and allow this Criminal Revision Petition by setting aside the order passed in Cr.M.P No.2766 of 2021 by the learned Judicial Magistrate, Thirumangalam, Madurai, dated 31.08.2021.

For Petitioner : Mr.G.Thalaimutharasu
For Respondent : Mr.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, Thirumangalam, Madurai, in Cr.M.P No.2766 of 2021 on 31.08.2021, thereby dismissing the petition filed by the petitioner for return of vehicle, namely, Yamaha FZS, bearing Registration No.TN-63-BF-9471.

2. The petitioner's vehicle was involved in Crime No.148 of 2021 registered for the offence under Section 4(1)(a) of Tamil Nadu Prohibition Act. The accused was found in a possession of 92 Brandi bottles of 180 ml which was kept in the said vehicle. There are two accused. However, the petitioner is not an accused and his vehicle was borrowed by other accused persons and used for commission of crime. After seizing the vehicle it was produced before the learned Judicial Magistrate, Thirumangalam, Madurai District. While investigation was pending, the petitioner filed petition for return of his vehicle and the same was dismissed for a reason that already



confiscation proceedings involved against the accused vehicle. That apart, the investigation is also pending till now.

3. The learned Government Advocate (Criminal Side), on instructions, would submit that the confiscation proceedings is still pending. Considering the above, if the vehicle is kept ideal under the sunlight, it will make the vehicle useless.

4. In view of the above, the order passed in Cr.M.P.No.2766 of 2021 is set aside and the Criminal Revision Case is allowed. The learned Judicial Magistrate, Thirumangalam, Madurai District, is directed to return the vehicle to the petitioner on the following conditions:-

(i) The petitioner is directed to execute a bond for a sum of Rs.30,000/- (Rupees Thirty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam, Madurai District, 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, Thirumangalam, Madurai District;

(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.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar

To:-

1.The Inspector of Police,
Perungudi Police Station,
Madurai.



2.The Judicial Magistrate,
Thirumangalam,
Madurai.

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

CrI.R.C. (MD) No.704 of 2021
24.02.2022

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