



Crl.R.C.(MD).No.1111 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.1111 of 2022

Murugesan

... Petitioner

Vs.

State through
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
(In Crime No.180/2022)

.. Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the order passed by the Judicial Magisterial No.II, Srivaikundam in Crl.M.P.No.11637 of 2022, dated 09.11.2022 and allow the criminal revision petition.

For Petitioner : Mr.S.Muthumalairaja

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the Judicial Magisterial No.II, Srivaikundam in Crl.M.P.No.11637 of 2022, dated 09.11.2022.



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2.The petitioner's application filed under Section 451 Cr.P.C. for return of vehicle has been dismissed by the trial Court on the ground that confiscation proceedings is going to be initiated.

3.The learned Additional Public Prosecutor submitted that though confiscation proceedings have been initiated in Na.Ka.No. 22/pa.mu./Thu.Kaa.Ka./ma.vAa.pirivu/2022, dated 30.08.2022, so far no confiscation order was passed.

4.The petitioner has filed undertaking affidavit before this Court to the effect that he will not indulge in such crime in future.

5.Accordingly, this Criminal Revision Case is allowed and the order, dated 09.11.2022 made in Cr.M.P.No.11637 of 2022 on the file of the learned Judicial Magistrate No.II, Srivaikundam, is hereby set aside. The vehicle is ordered to be returned to the petitioner by following proper procedure. The petitioner shall produce the original R.C.Book and undertaking affidavit to the effect that he will not alter or change the vehicle. The petitioner shall execute a bond to the satisfaction of the concerned Court to be fixed of its own discretion. If any confiscation



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proceedings is initiated in future the vehicle must be surrendered to the respondent.

01.12.2022

Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Judicial Magistrate No.II, Srivaikundam.
- 2.The Inspector of Police, Eral Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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