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CRL.R.C.(MD).No.366 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 11.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.R.C.(MD).No.366 of 2023

Navaneetha Krishnan

: Petitioner

Vs.

The State rep.by the Inspector of Police,
Alanganallur Police Station,
Madurai District.
Crime No.74 of 2023

: Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397(1) r/w 401 of Cr.P.C, to call for the records pertaining to the order passed in CrI.M.P.No.1506 of 2023 on the file of the learned Judicial Magistrate, Vadipatti, dated 04.03.2023 and set aside the same as illegal.

For Petitioner : Mr.R.Karunanidhi,

For Respondent : Mr.SS.Madhavan,
Government Advocate (Criminal Side)

ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No.1506 of 2023, dated 04.03.2023 by the learned Judicial Magistrate, Vadipatti, dismissing the petition filed under Section 457

Cr.P.C.



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2. It is evident from the records that the respondent Police has registered a case in Crime No.74 of 2023, for the offences under Sections 4(1)(a) of TNP Act against two persons, including the petitioner herein and they have seized the liquor bottles and the Tata Indica vehicle bearing registration No. TN-67-AB-9545. The petitioner has filed an application under Section 457 of Cr.P.C., seeking interim custody of the vehicle. The learned Magistrate, by observing that the property has already been handed over before the authority for the purpose of confiscation, dismissed the petition.

3. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that the petitioner had taken the liquor bottles within the prescribed limit, but despite informing the same, the present FIR came to be registered.

4. In pursuance of the directions of this Court, Mr.Sankar Ganesh, Inspector of Police, Alanganallur Police Station, is present before this Court.



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5. The learned Government Advocate (Criminal Side) would also admit that the case was registered for possessing the liquor within the prescribed limit.

6. Considering the facts and circumstances of the case and also taking note of 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 04.03.2023 passed in Cr.M.P.No.1506 of 2023, by the learned Judicial Magistrate, Vadipatti.

7. Accordingly, this Criminal Revision Petition is allowed and the order dated 04.03.2023 in Cr.M.P.No.1506 of 2022 in Crime No.74 of 2023 on the file of the learned Judicial Magistrate, Vadipatti, is hereby set aside and the vehicle / Tata Indica vehicle bearing registration No. TN-67-AB-9545, 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:-



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- (a) the petitioner shall execute a bond for a sum of Rs.60,000/- (Rupees Sixty Thousand only), with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Vadipatti; and
- (b) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Vadipatti;
- (c) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (d) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

11.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

To

1. The Judicial Magistrate, Vadipatti.
2. The Inspector of Police,
Alanganallur Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

Order made in
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