



Crl. R.C.(MD)No.508 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 04.05.2023

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.508 of 2023

D.Saji Kumar

.. Petitioner

Vs.

The State rep. by
The Sub Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
(Crime No.46 of 2023)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records and to set aside the order in Crl.M.P.No.2320 of 2023 passed by the learned District Munsif cum Judicial Magistrate, Radhapuram, dated 27.03.2023 and order interim custody of the Ashok Leyland Tipper lorry bearing registration No.TN-75-AV-2129 seized by the respondent on 13.03.2023 in Crime No.46 of 2023 to the petitioner.

For Petitioner
For Respondent

: Mr.S.Krishna kumar
: Mr.S.Manikandan
Government Advocate (Crl. Side)



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ORDER

WEB COPY This petition has been filed to set aside the order in Crl.M.P.No.2320 of 2023 passed by the learned District Munsif cum Judicial Magistrate, Radhapuram, dated 27.03.2023.

2.The respondent seized a vehicle Ashok Leyland Lorry Registration No.TN-75-AV-2129 and produced the property before the Court. Subsequently, the petitioner has approached the learned District Munsif cum Judicial Magistrate, Radhapuram, by filing a petition for interim custody of the vehicle and the learned Judge dismissed the petition in Crl.M.P.No.2320 of 2023 dated 27.03.2023. Against which, the petitioner preferred the Criminal Revision Case.

3.On the side of the petitioner, it is stated that the petitioner is the owner of the lorry. If the vehicle kept in open space, the value of the vehicle will be deteriorated due to climatic conditions. The vehicle was in the custody of the Court for more than 55 days and prayed the vehicle to be returned to the petitioner.

4.On the side of the respondents, it is stated that if the vehicle is released by way of interim custody, there is a possibility of the vehicle being used for commission of the same offence again and hence, prayed the petition to be



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5.It is seen that the vehicle was kept with heavy load in custody for more than 1½ months. If the vehicle is kept in the open place, the value of the vehicle will be deteriorated. In view of the same, this Criminal Revision Case is allowed. The learned Judge is directed to return the vehicle to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:

(i)The petitioner shall deposit the original Registration Certificate of the vehicle with the learned District Munsif cum Judicial Magistrate, Radhapuram ;

(ii)The petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Radhapuram ;

(iii)The petitioner shall not alienate and shall not make any alteration in the vehicle ;

(iv)The petitioner shall produce the vehicle before the Court and before the respondent as and when required and this order is subject to the final order to be passed in the confiscation proceedings ;



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R.THARANI, J.

MRN

(v)If any of the aforesaid conditions are violated, this
order automatically stands cancelled.

04.05.2023

Index : Yes/No
Internet : Yes/No
Mrn

To

- 1.The District Munsif cum Judicial Magistrate, Radhapuram.
- 2.The Sub Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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