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Crl.R.C.No.521 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.521 of 2024

B.Senthil

... Petitioner

Vs.

State by
The Inspector of Police,
Gangavalli Police Station,
Gangavalli, Attur Taluk,
Salem District.
Crime No.54 of 2023

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 r/w 452 of Criminal Procedure Code, seeking to call for the records in so far relates to Crl.M.P.No.2958 of 2023, dated 01.08.2023 on the file of the Judicial Magistrate-II, Attur, Salem District and set aside the same and consequently directing the Judicial Magistrate-II, Attur, Salem District to return back the petitioner's Lorry bearing Registration No.TN-30-R-3561 to the petitioner.

For Petitioner : Mr.C.Prakasam
For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)



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ORDER

The criminal revision case has been filed seeking to call for the records relating to Crl.M.P.No.2958 of 2023, dated 01.08.2023 on the file of the learned Judicial Magistrate-II, Attur, Salem District and set aside the same and consequently direct the learned Judicial Magistrate-II, Attur, Salem District to return back the petitioner's Lorry bearing Registration No.TN-30-R-3561 to the petitioner.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the vehicle and on 24.02.2023, the vehicle met with an accident, thereby the vehicle was seized by the law enforcing agency. Thereafter, the petitioner filed Crl.M.P.No.2958 of 2023 before the Judicial Magistrate-II, Attur, Salem District seeking return of the vehicle and the said petition was dismissed.

3.The learned counsel appearing for the petitioner further submitted that the seized vehicle is now being kept in open place and due to exposure of sun and rain and the vagaries of nature, the vehicle will lose its value and may, ultimately become a wreck and worthless and further submitted that the petitioner, without prejudice to his



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rights and contentions, is ready to deposit a sum of Rs.1,00,000/-

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before the trial Court and on such deposit being made, the respondent may be directed to release the vehicle.

4.The learned Government Advocate appearing for the respondent raise no serious objection and submitted that in the event of the petitioner depositing the conditional amount, this Court may consider the prayer for return of vehicle.

5.Admittedly, the petitioner's vehicle was seized since it was allegedly involved in an accident. Keeping the vehicle idle will no longer serve any purpose. Hence, this Court issues direction to release the petitioner's vehicle namely, Lorry bearing Registration No.TN-30-R-3561, on the following conditions:

(i)The petitioner, without prejudice to his rights and contentions shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of CrI.M.P.No.2958 of 2023 on the file of the learned Judicial Magistrate-II, Attur, Salem District, within a period of two weeks from the date of receipt of a copy of this order;

(ii)The petitioner shall give an unconditional undertaking to the



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respondent that he shall not alienate or encumber the vehicle in question without permission of the jurisdictional Magistrate till the completion of the confiscation proceedings;

(iii)The petitioner shall not change the colour and scheme of the vehicle;

(iv)The petitioner shall not use the vehicle for any illegal activities;

(v)Before releasing the vehicle, the Police Authority shall take photographs of the vehicle at the cost of the petitioner;

(vi)The petitioner shall produce all xerox copies of the documents pertaining to the ownership of the seized vehicle to the first respondent;

(vii)As and when the respondent 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 respondent.

6.Upon completion of the above mentioned formalities (i) to (vi), the respondent shall release the petitioner's vehicle namely, Lorry bearing Registration No.TN-30-R-3561, to the petitioner forthwith without any delay. If the undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the



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vehicle in future. As far as confiscation proceedings initiated against

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the seized vehicle is concerned, the same can go on without any interference.

7.This revision is allowed on the above terms.

31.07.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Judicial Magistrate-II,
Attur, Salem District.

2.The Inspector of Police,
Gangavalli Police Station,
Gangavalli, Attur Taluk,
Salem District.
Crime No.54 of 2023



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M.DHANDAPANI,J.
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