



Crl.R.C.No.732 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.732 of 2024

M.Vasantha

... Petitioner

Vs.

The State Rep. by
Sub Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
(Crime No.55 of 2024)

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, seeking to call for the records and set aside the order dated 20.03.2024 of learned District Munsif Cum Judicial Magistrate at Kilvelur, Nagapattinam District in Crl.M.P.No.206 of 2024 and to direct the respondent to return the vehicle viz., Royal Enfield bearing its Registration No.TN 51 AT0520 Engine No.J3A5FLP2008427 and Chasis No.ME3J3C5FLP2007117 to the petitioner in Crime No.55 of 2024 pending on the file of the respondent.

For Petitioner : Ms.M.Prema
For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)



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ORDER

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The criminal revision case has been filed seeking to call for the records and set aside the order dated 20.03.2024 of learned District Munsif Cum Judicial Magistrate at Kilvelur, Nagapattinam District in Crl.M.P.No.206 of 2024 and to direct the respondent to return the vehicle viz., Royal Enfield bearing its Registration No.TN 51 AT0520 Engine No.J3A5FLP2008427 and Chasis No.ME3J3C5FLP2007117 to the petitioner in Crime No.55 of 2024 pending on the file of the respondent.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the vehicle and without her knowledge, the accused are alleged to have used the vehicle for transportation of illicit arrack, thereby the vehicle was seized by the law enforcing agency. Thereafter, the petitioner filed Crl.M.P.No.206 of 2024 before the District Munsif Cum Judicial Magistrate at Kilvelur 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



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will lose its value and may, ultimately become a wreck and worthless and further submitted that the petitioner, without prejudice to her rights and contentions, is ready to deposit a sum of Rs.25,000/- 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 on the premise that it was allegedly involved in transportation of illicit arrack. Keeping the vehicle idle will no longer serve any purpose. Hence, this Court issues direction to release the petitioner's vehicle namely, Royal Enfield bearing Registration No.TN 51 AT0520, on the following conditions:

(i)The petitioner, without prejudice to her rights and contentions shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of CrI.M.P.No.206 of 2024 on the file of the District Munsif Cum Judicial Magistrate at Kilvelur, Nagapattinam District within



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a period of two weeks from the date of receipt of a copy of this order;

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(ii)The petitioner shall give an unconditional undertaking to the respondent that she 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 she 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, Royal Enfield bearing Registration No.TN 51 AT0520 to the petitioner



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forthwith without any delay. If the undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicle in future. As far as confiscation proceedings initiated against the seized vehicle is concerned, the same can go on without any interference.

7.This revision is allowed on the above terms.

24.04.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The District Munsif Cum Judicial Magistrate at Kilvelur,
Nagapattinam District.

2.The Sub Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
(Crime No.55 of 2024)



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M.DHANDAPANI,J.
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