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CrI.R.C.No.882 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2024

CORAM:

THE HONOURABLE MR. JUSTICE **C.SARAVANAN**

CrI.R.C.No.882 of 2024

Thiruppathi

... Petitioner

Vs.

The Inspector of Police,
Kottur Police Station,
Cr.No.77/2024

U/s.4(1)(a) TNP Act and Transport Act.

... Respondent

Prayer: Criminal Revision case has been filed under Section 397 r/w 401 of Cr.P.C, to set aside the order passed by the learned Judicial Magistrate No.II, Mannargudi dated 26.04.2024 in CrI.M.P.No.2316/2024 and consequently direct the Respondent to deliver the Petitioner's car Maruti S-CROSS bearing registration number TN 49 BP 2853.

For Petitioner : Mr.P.Sesubalan Raja

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI.Side)

ORDER



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The petitioner's vehicle Maruti S-CROSS bearing registration number TN 49 BP 2853 has been seized by the defacto complainant during the course of election duty for possessing more than 2 litres of liquor. The petitioner had moved Crl.M.P.No.2316 of 2024 before the Judicial Magistrate No.II, Mannargudi, seeking return of the said vehicle, which came to be dismissed on 26.04.2024. Hence, the petitioner is before this Court with this Criminal Revision Petition.

2.The learned counsel for the petitioner contended that the petitioner is the owner of the vehicle viz., Maruti S-CROSS bearing Reg.No. TN 49 BP 2853 and the said vehicle was seized by the Respondent Police on 31.03.2024 in Crime No.77/2024 for an alleged offence punishable under Sections 4(1)(a) of Tamil Nadu Prohibition Act. The said vehicle is kept in the custody of Police in open space in the Police Station. If the vehicle is kept in an open space, the value of the same will diminish over the period of time. Therefore he prayed for return of the vehicle.

3.The learned Government Advocate (Crl. side) appearing for the



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respondent contended that the vehicle was used for illegal transportation of alcohol and if the vehicle is ordered to be returned, the petitioner may use the vehicle for committing similar offence. Hence, he sought for dismissal of the petition.

4.Considering the submissions of the learned counsel for the petitioner and the learned Government Advocate(Crl.Side), I am of the view that no useful purpose will be served by retention of the vehicle, as it will depreciate and deteriorate the value of the vehicle over a period of time and therefore, is inclined to allow the Revision Petition.

5.Accordingly, this Criminal Revision Case is allowed, the impugned order in Crl.M.P.No.2316 of 2024 dated 26.04.2024 passed by the learned Judicial Magistrate No.II, Mannargudi, is set aside and the vehicle shall be returned to the petitioner on the following conditions:

- i. the petitioner shall prove his ownership of the vehicle by producing the R.C.Book and other relevant records;



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- ii. the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand Only) before the trial Court.
- iii. The petitioner shall deposit a sum of Rs.25,000 (Rupees Twenty Five Thousand only) to the credit of Crime No.77 of 2024 before the trial Court.
- iv. the Court may prepare a panchanama in Judicial Form No.82 with regard to the vehicle bearing Registration No.TN 49 BP 2853 and such panchanama can be used in evidence.
- v. the petitioner shall take photograph of the vehicle bearing Registration No.TN 49 BP 2853 and certified under Section 65B of the Central Act 1 of 1972 and such photographs may be used as secondary evidence.
- vi. the petitioner shall not alienate or encumber the vehicle in any manner;
- vii.the petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future,
- viii.the petitioner shall also produce the vehicle as and when required before the court below and before the respondent



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police.

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Index:Yes/No

Speaking/Non speaking order

Tsg

C.SARAVANAN.J,

Tsg

To



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1.The Judicial Magistrate No.II, Mannargudi .

2. The Inspector of Police,
Kottur Police Station,
Cr.No.77/2024

U/s.4(1)(a) TNP Act and Transport Act.

... Respondent

3.The Public Prosecutor,
High Court, Madras.

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