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CrI.R.C.No.909 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.R.C.No.909 of 2024

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... Petitioner

Vs.

State Rep. by
The Inspector of Police,
PEW – Cheyyar Police Station,
Tiruvannamalai District.
(Cr.No.136 of 2024)

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code, seeking to call for the records relating to the order dated 30.04.2024 made in C.M.P.No.1921 of 2024 in Crime No.136 of 2024 on the file of learned Judicial Magistrate, Cheyyar, Tiruvannamalai District and set aside the same and direct the respondent herein to return the Vehicle namely, TATA TIGOR Car bearing Registration No.TN 21 BT 3178, Engine No.REVTRN19NWXKE4976, Chassis No.MAT637062PKKB0649.

For Petitioner : Mr.K.M.Mrithunjayan
For Respondent : Mr.A.Gopinath



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Government Advocate (Crl. Side)

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ORDER

The criminal revision case has been filed seeking to call for the records relating to the order dated 30.04.2024 made in C.M.P.No.1921 of 2024 in Crime No.136 of 2024 on the file of learned Judicial Magistrate, Cheyyar, Tiruvannamalai District and set aside the same and direct the respondent to return the vehicle namely, TATA TIGOR Car bearing Registration No.TN 21 BT 3178.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the vehicle and the vehicle is alleged to have been involved in transportation of 35 litres of toddy, thereby the vehicle was seized by the law enforcing agency. Thereafter, the petitioner filed C.M.P.No.1921 of 2024 before the learned Judicial Magistrate, Cheyyar, Tiruvannamalai 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



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and further submitted that the petitioner, without prejudice to her

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rights and contentions, is ready to deposit a sum of Rs.5,000/- 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 since the vehicle is alleged to have been involved in transportation of 35 litres of Toddy. Keeping the vehicle idle will no longer serve any purpose. Hence, this Court issues direction to release the petitioner's vehicle namely, TATA TIGOR Car bearing Registration No.TN 21 BT 3178, on the following conditions:

(i)The petitioner, without prejudice to her rights and contentions shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of C.M.P.No.1921 of 2024 on the file of the learned Judicial Magistrate, Cheyyar, Tiruvannamalai District, within a period of two



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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 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 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, TATA



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TIGOR Car bearing Registration No.TN 21 BT 3178, 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 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.

31.07.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Judicial Magistrate,
Cheyyar,
Tiruvannamalai District

2.The Inspector of Police,
PEW – Cheyyar Police Station,
Tiruvannamalai District.
(Cr.No.136 of 2024)

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M.DHANDAPANI,J.
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