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Crl.R.C.No.996 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.996 of 2024

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... Petitioner

Vs.

The State Represented by
The Inspector of Police,
District Crime Branch (DCB)
Coimbatore.
(Crime No.5 of 2019)

... 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 impugned order passed in Crl.M.P.No.1312 of 2024 dated 03.04.2024 on the file of the Hon'ble Judicial Magistrate at Suler.

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

ORDER

The criminal revision case has been filed seeking to set aside the order dated 03.04.2024 passed in Crl.M.P.No.1312 of 2024 by the learned Judicial Magistrate at Suler.



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2.The facts of the case is that based on the order of the petitioner, the defacto complainant supplied Urid Dal, Toor Dal and Black Chick Peas to the petitioner for which, there was a due of Rs.26,84,245/- to be paid by the petitioner and hence, the defacto complainant lodged a complaint as against the petitioner and the respondent registered a case in Crime No.5 of 2019 for the offence punishable under Sections 406 and 420 of I.P.C as against the petitioner. Since the petitioner did not pay the said amount to the respondent and absconded for nearly four years, the respondent seized the vehicle from the petitioner. Thereafter, the petitioner filed Crl.M.P.No.1312 of 2024 before the learned Judicial Magistrate at Sulur seeking interim custody of the vehicle and the said petition was dismissed.

3.The learned counsel appearing for the petitioner 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 rights and contentions, is ready to deposit a sum of Rs.3 Lakhs before the



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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 submitted that the name and registration number of the vehicle mentioned in Crl.M.P.No.1312 of 2024 is wrong and further submitted that the vehicle that was seized in connection with Crime No.5 of 2019 on the file of the respondent is a Jeep Car bearing Registration No.PY.01.CX.8893 and further submitted that in the event of the petitioner depositing the conditional amount, this Court may consider the prayer for return of vehicle.

5.Keeping the vehicle idle will no longer serve any purpose. Hence, this Court issues direction to release the petitioner's vehicle namely, Jeep Car bearing Registration No.PY.01.CX.8893, on the following conditions:

(i)The petitioner, without prejudice to his rights and contentions shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) to the credit of Crl.M.P.No.1312 of 2024 on the file of the learned Judicial Magistrate at Sulur, within 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 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 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, Jeep Car bearing Registration No.PY.01.CX.8893 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.

13.06.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Judicial Magistrate at Sulur.
- 2.The Inspector of Police,
District Crime Branch (DCB)
Coimbatore.
(Crime No.5 of 2019)



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M.DHANDAPANI,J.
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