



Crl.R.C.No.1308 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1308 of 2024

Shahul Hameed

... Petitioner

Vs.

State rep. By
The Sub-Inspector of Police,
Vridhachalam Police Station,
Cuddalore District.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 & 401 of Criminal Procedure Code, to set aside the order in Crl.M.P.No.4609/2024 in Crime No.734/2023 on the file of the learned Judicial Magistrate No.I, Vridhachalam, dated 22.03.2024 and return of the vehicle to the petitioner herein.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



Crl.R.C.No.1308 of 2024

ORDER

The petitioner is the accused in Crime No.734 of 2023 for offence under Sections 273 & 328 of IPC and Section 24(1) of the Cigarette and other Tobacco Products Act, 2003 and he was arrested on 30.12.2023 along with the car viz., Ford Fiesta Classic 14 CLXI bearing Reg.No.TN-11-A-0243. The petitioner filed a return of property petition in Crl.M.P.No.4609 of 2024 before the learned Judicial Magistrate No.I, Virudhachalam seeking return of above said car, but the learned Magistrate *vide* impugned order, dated 22.03.2024 dismissed the petition. Against which, the present criminal revision case is filed.

2.The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and his car seized for illegal transportation of banned tobacco products. The respondent Police projected the case that on 30.12.2023 during routine roach check, the petitioner's vehicle stopped and found six bags of banned tobacco products. Since the tobacco products injuries to the health of public, the vehicle seized and FIR registered. He further submitted that the petitioner has got nothing to do with the tobacco products alleged to be seized from his vehicle. The



petitioner is running a travel agency and his vehicle given in hire. The

petitioner is not aware how these tobacco products loaded in his vehicle.

Now the vehicle kept in open place exposing to vagaries of weather and the value of the vehicle is getting diminished. Hence, he prays for setting aside the impugned order.

3.The learned Additional Public Prosecutor appearing for the respondent Police submitted that during routine road check, the petitioner's vehicle was stopped. When the vehicle was searched, banned tobacco products of six bags found. Since the banned tobacco products injuries to public health, tobacco products seized along with vehicle and produced before the concerned Magistrate. He further submitted that the vehicle is in the name of one Ramachandran, S/o.Rajamurthy and not in the name of the petitioner. Hence, he strongly opposed the petition.

4.At this stage, the learned counsel for the petitioner submitted that the vehicle was purchased by the petitioner as early as on 28.12.2023 from one Ramachandran, son of Rajamurthy. The Form-29 and Form-30 signed and vehicle handed over to the petitioner.



WEB COPY

5.Considering the submissions and on perusal of the materials, it is seen that the petitioner is running a travel agency and by hiring the vehicle, he is earning money for his livelihood. The vehicle is kept in open exposing to vagaries of weather and further detention would cause damage to the vehicle.

6.In view of the above, the learned Judicial Magistrate No.I, Virudhachalam is directed to return the car viz., Ford Fiesta Classic 14 CLXI bearing Reg.No.TN-11-A-0243 to the petitioner subject to the following conditions:

(i)The petitioner is directed to deposit a sum of Rs.50,000/- [Rupees Fifty Thousand only) to be paid in favour of of Sri Ramachandra University, Porur Branch, Sri Ramachandra University, Ramachandra Nagar, Porur, Chennai-600 116 in A/c.No.CA 6203243021, IFSC Code:IDIB000S180 Indian Bank within a period of two weeks from the date of receipt of a copy of this order and shall produce the proof of payment at the time of execution of bond. This amount of Rs.50,000/- shall be utilized for the purpose head and neck cancer surgeries, Department of Oral and Maxillofacial Surgery.



(ii)The petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Virudhachalam.

(iii)The petitioner shall produce self attested photostat copy of Registration Certificate stands in the name of Ramachandran, Form-29, Form-30, sale receipt and delivery note.

(iv)After receiving the two wheeler, the petitioner shall approach the concerned RTO and transfer the registration certificate to his name within thirty days and thereafter, produce the photostat copy of registration certificate before the learned Judicial Magistrate No.I, Virudhachalam.

(v)The petitioner shall not alter or alienate the vehicle in any manner till the disposal of the trial.

(vi)The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent Police and by the Court below.

7.In the result, this Criminal Revision Case stands allowed setting the impugned order, dated 22.03.2024 in Crl.M.P.No.4609 of 2024 passed by the learned Judicial Magistrate No.I, Virudhachalam.



CrI.R.C.No.1308 of 2024

14.08.2024

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Internet: Yes/No

vv2

To

1.The Judicial Magistrate No.I,
Vridhachalam.

2.The Sub-Inspector of Police,
Vridhachalam Police Station,
Cuddalore District.

3.The Public Prosecutor,
Madras High Court.



WEB COPY



Crl.R.C.No.1308 of 2024

M.NIRMAL KUMAR, J.

vv2

Crl.R.C.No.1308 of 2024

14.08.2024