



Crl.RC.No.1132 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

Crl.RC.No.1132 of 2024

Ayyappan

...Petitioner

Vs.

State rep. By,
Inspector of Police,
PE Wing Police Station,
Villupuram.

...Respondent

Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, to set aside the order of dismissal passed by the Judicial Magistrate No.1, Villupuram in the petition filed u/s. 451 & 457 of Cr.P.C. for return of property in Crl.MP.No.4868 of 2024 dated on 13.06.2024 in Cr.No.706 of 2024 (on the file of the respondent) and return the Bajaj Discover Bike Bearing No.TN-32-F-5402 seized in the case registered by the respondent in Cr.No.706 of 2024.

For Petitioner : Mr.M.Soundar Vijay Arul Ram

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

ORDER

This Criminal revision has been filed seeking quashment of the order of dismissal passed by the Judicial Magistrate No.1, Villupuram in Crl.MP.No.4868 of 2024 dated on 13.06.2024 in Cr.No.706 of 2024 and



CrI.RC.No.1132 of 2024

for a consequential direction to release the Bajaj Discover Bike Bearing No.TN-32-F-5402 to the petitioner.

WEB COPY

2. The case of the petitioner is that, on 14.05.2024 at about 16.00 Hours, pursuant to the information received by them with regard to illegal transportation of Alcohol from Pondicherry, when the respondent police went to Villupuram-Paanampattu Road and conducted vehicle check, they seized 180 ML Mens Choice Brandy 55, 500 ML Thunder Bold Tin Beer 12 from a Bajaj Discover Bike bearing No.TN-32-F-5402 which belongs to the petitioner and arrested the accused namely Prakash. Upon enquiry, the petitioner came to know that an FIR in Crime No.706 of 2024 has been registered for the offence under Sections 4(1)(a) and 14(A) of TNP Act, which prompted the respondent to seize the petitioner's vehicle. Thereby, the petitioner filed a petition u/s. 451 & 457 of Cr.P.C. in CrI.MP.No.4868 of 2024 seeking interim custody of the above said vehilce on the file of the learned Judicial Magistrate No.1, Villupuram, however, the said petition was rejected by the Trial court vide order dated 13.06.2024. Challenging the said rejection order, the present revision has been filed by the petitioner.



Crl.RC.No.1132 of 2024

WEB COPY

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and the subject vehicle belong to the petitioner and he has no connection with the above crime and mere seizure of the vehicle from the accused person could not be said that the vehicle is involved in the offence. Further, he submitted that, inspite of the seizure of the vehicle, keeping the vehicle in disuse and in the open atmosphere would result in deterioration of the vehicle and diminishing its value, the petitioner was constrained to file the petition under Section 451 r/w 457 of Cr.P.C seeking interim custody of the aforesaid vehicle. Learned counsel further submitted that the petitioner is ready to abide by any condition that may be laid down by this Court.

4. On the above contention, this Court heard the learned Government Advocate (Crl.Side) appearing for the respondent police.

5. Even though the Trial Court had negated the right of the petitioner, however, considering the fact that keeping the vehicle in the open atmosphere would deteriorate and diminish its value and and also in view of the fact that the petitioner is ready to abide by the condition that



CrI.RC.No.1132 of 2024

may be imposed by this Court for the purpose of granting interim custody of the Bajaj Discover Bike bearing No.TN-32-F-5402, this Court is inclined to direct release of the vehicle on the following conditions :-

(i) The order of the learned Judicial Magistrate No.1, Villupuram in CrI.MP.No.4868 of 2024 dated 13.06.2024 is set aside;

(ii) the petitioner is directed to execute a bond for a sum of Rs.25,000/- to the satisfaction of the learned Judicial Magistrate No.1, Villupuram;

(iii) The petitioner will be entitled for return of the Bajaj Discover Bike bearing No.TN-32-F-5402, Chasis No.MD2DSPAZZTPE59815, Engine No.JBUBTE54264;

(iv) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Judge, on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicle;

(v) The petitioner shall not alter or alienate the vehicle in any manner till adjudication is over;

(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 vehicles as and when required by the respondent and by the court below and as well as by the



WEB COPY



Crl.RC.No.1132 of 2024

District Collector of the District or authorized officer in that behalf by the Government;

(vii) The petitioner shall participate in the confiscation proceedings and shall produce the vehicle before the confiscation authority. This order is subjected to the confiscation proceedings;

(viii) The petitioner shall not indulge in the similar offence either by using the present vehicle or any other vehicle. If the petitioner is found to be involved in any of similar offence in future either by way using the present vehicles or through any other vehicle, this order of returning the present vehicle (Bajaj Discover Bike bearing No.TN-32-F-5402, Chasis No.MD2DSPAZZTPE59815, Engine No.JBUBTE54264), shall stand automatically vacated, and this vehicle will be again seized by the respondent/police and produced before the Court concerned.

6. This Criminal Revision Case stands allowed in the above terms.

02.07.2024

skt

Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No



WEB COPY



Crl.RC.No.1132 of 2024

M.DHANDAPANI, J.

skt

To

1. The Judicial Magistrate No.1,
Villupuram.
2. The Inspector of Police,
PE Wing Police Station,
Villupuram.
3. The Public Prosecutor,
High Court of Madras.

Crl.RC.No.1132 of 2024

02.07.2024