



Crl.RC.No.1249 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM :

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

Crl.RC.No.1249 of 2024

Uthayakumar

...Petitioner

Vs.

The State rep. By,
The Sub-Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.

...Respondent

Criminal Revision Case filed under Section 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita to call for the records of the learned Judicial Magistrate Court, Tiruchengode dated 20.05.2024, set aside the same and consequently direct the learned Judicial Magistrate to return the vehicle bearing Regn.No.TN-88-H-7769 Maruthi Suzuki ECHO within stipulated time.

For Petitioner : Mr.M.Dinesh

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



Crl.RC.No.1249 of 2024

ORDER

WEB COPY

This Criminal revision has been filed seeking quashment of the order of the Judicial Magistrate Court, Tiruchengode made in CMP.No.135 of 2024 dated 20.05.2024 in Cr.No.86 of 2024 and for a consequential direction to return the Maruthi Suzuki ECHO bearing Regn.No.TN-88-H-7769 to the petitioner.

2. It is the case of the prosecution that, on 24.03.2024 at about 04.45 pm., when the Flying Squad along with two police personnel conducted vehicle check, they seized about 76 Liters of Hooch from the Maruthi Suzuki ECHO bearing Regn.No.TN-88-H-7769 which belongs to the petitioner and arrested the accused persons. Upon enquiry, the petitioner came to know that an FIR in Crime No.86 of 2024 has been registered for the offence under Sections 4(1)(e) and 4(1)(aa) of TN Prohibition Act, which prompted the respondent to seize the petitioner's vehicle. Thereby, the petitioner filed a petition u/s. 457 of Cr.P.C. in CMP.No.135 of 2024 seeking interim custody of the above said vehicle on the file of the Judicial Magistrate Court, Tiruchengode. However, the said petition was rejected by the Trial court, vide order dated 20.05.2024.



Crl.RC.No.1249 of 2024

WEB COPY

Challenging the said rejection order, the present revision has been filed by the petitioner.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and the subject vehicle belongs 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, thereby, the petitioner was constrained to file the petition under Section 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.



CrI.RC.No.1249 of 2024

WEB COPY

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 also in view of the fact that the petitioner is ready to abide by the condition that may be imposed by this Court for the purpose of granting interim custody of the Maruthi Suzuki ECHO bearing Regn.No.TN-88-H-7769, this Court is inclined to direct release of the vehicle on the following conditions :-

(i) The order of the learned Judicial Magistrate Court, Tiruchengode in CMP.No.135 of 2024 dated 20.05.2024 is set aside;

(ii) The petitioner is directed to deposit a sum of Rs.25,000/- to the credit of the CMP.No.135 of 2024 in Cr.No.86 of 2024 on the file of the learned Judicial Magistrate Court, Tiruchengode;

(iii) The petitioner will be entitled for return of the Maruthi Suzuki ECHO bearing Regn.No.TN-88-H-7769, Chasis No.G12BN1023999, Engine No.MA3ERLF1S00991392;

(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



WEB COPY



Crl.RC.No.1249 of 2024

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 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 (Maruthi Suzuki ECHO bearing Regn.No.TN-88-H-7769, Chasis No.G12BN1023999, Engine No.MA3ERLF1S00991392, shall stand automatically vacated, and this vehicle will be again seized by the respondent/police and produced before the Court concerned.



Crl.RC.No.1249 of 2024

6. Accordingly, this Criminal Revision Case stands allowed in the above terms.

01.08.2024

skt

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

To

1. The Judicial Magistrate Court,
Tiruchengode.
2. The Sub-Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court of Madras.

M.DHANDAPANI, J.



WEB COPY



Crl.RC.No.1249 of 2024

skt

Crl.RC.No.1249 of 2024

01.08.2024