



Crl.R.C.No.1500 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1500 of 2024

A.C.Muralimurugan

... Petitioner

Vs.

State of Tamilnadu,Rep. by,
The Inspector of Police,
Thittacherry Police Station,
Nagapattinam District.
(Crime No.106 of 2024).

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 & 401 of Code of Criminal Procedure, to set aside the order of dismissal made in Crl.M.P.No.2543 of 2024 dated 07.08.2024 on the file of the Judicial Magistrate No.II, Nagapattinam by allowing this petition.

For Petitioner : Mr.S.Venkatesan

For Respondent : Mr.V.J.Priyadarsana,
Government Advocate (Crl. Side)



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ORDER

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The petitioner aggrieved by the dismissal of the petition under Sections 451 and 457 of Cr.P.C in Crl.M.P.No.2543 of 2024 for return of his car viz., Honda Venue car bearing Reg.No.TN-49-BT-4434, has filed the present criminal revision case.

2.The petitioner is the first accused involved in FIR in Crime No.106 of 2024 registered by the respondent Police for offence under Sections 4(1)(aaa) r/w 4(1-A) of The Tamil Nadu Prohibition Act, 1937. During the course of investigation, the respondent Police had seized the above said car which is said to be involved in transportation of liquor bottles. The petitioner has filed a petition under Sections 451 and 457 of Cr.P.C in Crl.M.P.No.2543 of 2024 before the learned Judicial Magistrate No.II, Nagapattinam seeking return of vehicle which was dismissed on the ground that the confiscation proceedings has been initiated.



3.The learned counsel for the petitioner would submit that the confiscation proceedings has been initiated three months ago but no further steps have been taken; and that in the meanwhile, the vehicle that is kept in open place and exposed to sun and rain would lose its utility value and should be returned to the person entitled to the interim custody subject to the result of the confiscation proceedings.

4.The learned Government Advocate (Crl. Side) *per contra* would submit that since the confiscation proceedings has been initiated, the Trial Court was right in dismissing the petition for return of property.

5.Admittedly, though the confiscation proceedings was initiated, no further steps have been taken by the authorities concerned. The vehicle was seized by the respondent Police on 09.07.2024 and is kept in a open place under the custody of the respondent Police. The Hon'ble Supreme Court and this Court had repeatedly held that the vehicle cannot be subjected to vagaries of weather and can be returned to the person entitled to the custody subject to the stringent conditions. Since the confiscation proceedings has



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already been initiated, this Court is inclined to return the vehicle to the petitioner subject to the result of the confiscation proceedings.

6.In view of the above, the impugned order, dated 07.08.2024 in Crl.M.P.No.2543 of 2024 passed by the learned Judicial Magistrate No.II, Nagapattinam is set aside. Accordingly, the learned Judicial Magistrate No.II, Nagapattinam is directed to return the Honda Venue bearing Reg.No.TN-49-BT-4434 to the petitioner on the following conditions:

(i)The petitioner shall execute a bond for sum of Rs.30,000/- (Rupees Thirty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagapattinam;

(ii)The petitioner shall produce the original RC Book along with self attested photostat copy of RC Book of the vehicle and other relevant records to prove her ownership. The learned Magistrate shall peruse the RC book and other records, retain xerox copy of the same and return the original RC book to the petitioner;



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(iii)The petitioner shall not alter or alienate the vehicle in any manner;

(iv)The petitioner shall also give an undertaking that he will 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.

13.11.2024

Index:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

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To

1.The Judicial Magistrate No.II,
Nagapattinam.

2.The Inspector of Police,
Thittacherry Police Station,
Nagapattinam District.

3.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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