



Crl.R.C.No.1599 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1599 of 2024

Prasanna

... Petitioner/Owner of vehicle

Vs.

The State rep. by
The Inspector of Police,
P.E.W Hosur,
Crime No.152/2024.

...Respondent/Complainant

PRAYER: Criminal Revision Petition filed under Section 438 r/w 442 of the BNSS, to call for the records in Crl.M.P.No.1562/2024 dated 07.05.2024 on the file of the Judicial Magistrate – II, Hosur setaside the same and directed the trial court to return the car KA-03-MW-0390 Hyundai i10 car to the petitioner.

For Petitioner : Mr.R.Sankarasubbu

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



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ORDER

This revision challenges the dismissal of the order dated 07.05.2024 in Crl.M.P.No.1562 of 2024 passed under Section 451 of the Cr.P.C. on the petition filed by the petitioner/property owner, seeking interim custody of the car seized by the respondent.

2. The learned counsel for the petitioner would submit that he is the owner of the car, which is said to have been used for transporting illicit liquor; that he is not an accused in the said case; that he is the proper person entitled to the custody of the vehicle and since it was seized on 14.02.2024 it has been subject to wear and tear at the police station.

3. The learned Government Advocate (Crl.Side) would submit that the confiscation proceedings have been initiated on 30.04.2024; and that the authorities are waiting for further action since the value of the car has to be obtained.

4. It is not in dispute that the petitioner is the owner of the car and that he is not an accused; that the car has been seized as early as on



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14.02.2024. Though the notice was issued for confiscation on 30.04.2024, there is no progress in the said proceedings. In order to avoid further wear and tear to the vehicle, this Court is inclined to return the car to the petitioner, who is the owner of the vehicle.

5. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 07.05.2024 passed by the learned Judicial Magistrate No.II, Hosur, in Crl.M.P.No.1562 of 2024 in Crime No.152 of 2024 is set aside. In view of the same, the trial court is directed to return the vehicle bearing Reg.No.KA-03-MW-0390 Hyundai i10 car to the petitioner on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.II, Hosur;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned Judicial Magistrate No.II, Hosur,



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shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

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

(iv) The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the court below.

(v) The return of property would be subject to the result of the confiscation proceedings initiated by the respondent.

05.11.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
dk

Note: Issue Order copy by 08.11.2024.



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To

1. The Judicial Magistrate No.II,
Hosur.

2.The Inspector of Police,
P.E.W. Hosur,

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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