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Crl.R.C.No.1572 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1572 of 2024

M.Dhamodharan

...

Petitioner

Vs.

The Station House Officer
Ulundurpet Police Station , PEW Wing
Ulundurpet,
(CR.NO.204/2024)

...

Respondent

Prayer: Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C., praying to set aside the order passed in CMP No.2626 of 2024 dated 20.08.2024 on the file of the Judicial Magistrate No.2, Ulundurpet.

For Petitioner : Mr.S.C.Vishwanath
For Respondent : Mr.S.Udaya Kumar
Govt. Advocate (crl.side)

ORDER

This revision challenges the dismissal of the petitioner's application filed under Section 451 of Cr.P.C. seeking return of his Black Colour Volkswagen Jetta bearing Regn.No.PY01 AZ 9019 which was seized during



the investigation.

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2. The petitioner is the accused in Crime No.204 of 2024 registered for the offences under Section 4(1)(a), 4(1)(h), 14(A) of TNP Act @ 420, 468, 471, 473 of IPC r/w 4(1)(aa), 4(1)(h), 4(1-A), 14(A) of TNP Act for illegal possession of 125 bottles of Brandy which was transported in the aforesaid vehicle. The said car was seized during the course of investigation and is kept in the police station. The petitioner sought for return of the car and by order dated 20.08.2024, the said petition was dismissed on the ground that the car is liable to be confiscated.

3. The learned counsel for petitioner would submit that since the date of seizure, i.e. 29.09.2023, the car is kept idle in the police station and subjected to vagaries of the weather, which would diminish its value and therefore, the petitioner may be permitted to take return of the vehicle and further submitted that the petitioner would abide by any stringent conditions imposed by this Court.

4. The learned Government Advocate (crl.side), on instructions, submitted that though confiscation proceedings have been initiated, so far,



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no further steps have been taken.

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5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) appearing for the respondent and perused the records.

6. On perusal of the records, it is seen that the vehicle of the petitioner was seized and it is kept in the police station in an open place, subject to the vagaries of weather. The value of the vehicle would therefore diminish. The Hon'ble Supreme Court had held in such cases, the vehicle can be returned to the owner who is entitled to proper custody on conditions, pending disposal of the trial and subject to the outcome of confiscation proceedings. In the above said circumstances, this Court is inclined to return the vehicle to the petitioner.

7. Accordingly, this **Criminal Revision Case is allowed** and the impugned order dated 20.08.2024 made in CMP No.2626 of 2024 by the learned Judicial Magistrate No.2, Ulundurpet is set aside. In view of the same, the respondent is directed to return the vehicle to the petitioner on the following conditions -



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(i) The petitioner shall execute a personal bond for a sum of Rs.5,00,000/- (Rupees **Five Lakhs only**) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.2, Ulundurpet ;

(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.2, Ulundurpet 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;

(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, if any.

12.12.2024

Index : Yes/No

Speaking Order/Non Speaking Order



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Neutral Citation: Yes/No
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To

- 1.The Judicial Magistrate No.2,
Ulundurpet
- 2.The Station House Officer
Ulundurpet Police Station , PEW Wing
Ulundurpet,
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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12.12.2024