



WEB COPY



Crl.RC No.1699 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1699 of 2024

Manikandan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
PEW Nannilam Police Station,
Tiruvarur District
Crime No.599 of 2024

... Respondent

PRAYER: Criminal Revision Case filed under Sections 438 r/w 442 of the BNSS, to set aside the order in Crl.M.P.No.1855 of 2024 passed by the learned District Munsif Cum Judicial Magistrate, Nannilam dated 19.08.2024 to return the Tata Indico car bearing No.TN-68-K-1639 to the petitioner.

For Petitioner : Ms.S.Nishanthi
For Respondent : Ms.V.J.Priyadarsana
Government Advocate (Crl.Side)

ORDER

This revision challenges the dismissal order of the learned District Munsif Cum Judicial Magistrate, Nannilam dated 19.08.2024 passed in Crl.M.P.No.1855 of 2024, on the petition filed by the petitioner/property owner under Sections 451 and 457 Cr.P.C, seeking interim custody of a car seized by the respondent.



2. The petitioner is one of the accused in Cr.No.599 of 2024 for the offences under Section 4(1)(a) TNP Act. on the file of the respondent. He is said to have transported contraband in his car bearing Registration No.TN 68 K 1639.

3. The learned counsel for the petitioner would submit that the car was seized on 25.05.2024 as according to the respondent, he has transported 9 litres of alcohol in his car. The learned counsel also submitted that though the car is in the name of one Venkateswaran, the petitioner had purchased the car on 10.05.2024. He further submitted that though the confiscation proceeding was initiated on 27.05.2024, no action has been taken by the respondent; that the car is kept in an open space exposed to the vagaries of weather; that further retention of the vehicle at the police station would make the vehicle unusable, and it would become a scrap; and that the petitioner is ready to comply with any condition that this Court may impose while granting return of the vehicle.

4. The learned Government Advocate (Crl.Side) submitted that the confiscation proceedings were initiated on 27.05.2024, and the authorities are awaiting the valuation report for further action.



5. It is not in dispute that the petitioner is the owner of the car and it was seized from the petitioner pursuant to the FIR under Section 4(1)(A) of the TNP Act. Since then, the car is in the custody of the respondent and is kept in the Police Station and it is subjected to vagaries of weather.

6. The Hon'ble Supreme Court and this Court in several cases have held that the vehicles that are kept idle in an open place and exposed to sun and rain would lose their utility value and should be returned to the person entitled to the interim custody. Therefore, this Court is of the view that car can be returned to the petitioner, subject to the confiscation proceedings.

7. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 19.08.2024 passed by the learned District Munsif Cum Judicial Magistrate, Nannilam, in Crl.M.P.No.1855 of 2024 in Crime No.599 of 2024 is set aside. In view of the same, the respondent police is directed to return the vehicles viz., TATA INDIGO CSLX (CHASSIS No.MAT607341DPG23547 - Engine No.4751 DT14GWYP38636, bearing Reg.No.TN 68 K 1639, to the petitioner on



Crl.RC No.1699 of 2024

the following conditions:

WEB COPY

(i) The petitioner shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for a likesum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Nannilam;

(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 District Munsif Cum Judicial Magistrate, Nannilam, shall peruse the RC books and other records, retain a xerox copy of the same and return the original RC books to the petitioner;

(iii) The petitioner shall not alter or alienate the vehicles 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 confiscation proceedings.

14.11.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral citation: Yes/No.

Issue order copy by : 22 .11.2024

Anu

To



Crl.RC No.1699 of 2024

1.The District Munsif Cum Judicial Magistrate,
Nannilam

2.The Inspector of Police,
PEW Nannilam Police Station,
Tiruvavarur District

3.The Public Prosecutor,
Madras High Court.

SUNDER MOHAN, J.



WEB COPY



Crl.RC No.1699 of 2024

Anu

Crl.R.C.No.1699 of 2024

14.11.2024