



Crl.R.C.(MD).No.555 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12.06.2024

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD).No.555 of 2024

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... Petitioner

Vs.

State rep. by
The Sub Inspector of Police,
Courtallam Police Station,
Tenkasi District.
Crime No.107/2024

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the Cr.M.P.No.1016 of 2024 in P.R.No.197 of 2024 on the file of the learned District Munsif cum Judicial Magistrate Court, Shenkottai, Tenkasi District to grant interim custody of vehicle Tarras Lorry model 25141 180WB TUSKER 6*2(Chassis No.MBICMDWC79RZA3317) (Engine No.ZXH588183) bearing Registration No.TN 28 AE 8308 to the petitioner.



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For Petitioner : Mr.M.Jegadeesha Pandian
For Respondent : Mr.M.Muthumanikkam
Government Advocate(Crl.Side)

ORDER

The Criminal Revision Case has been filed to set aside the order in Crl.M.P.No.1016 of 2024 in PR.No.197 of 2024 dated 28.03.2024 on the file of the learned District Munsif cum Judicial Magistrate Court, Shenkottai, Tenkasi District

2.The petitioner claims to be the owner of the vehicle bearing Reg.No.TN 28 AE 8308. The vehicle is used for transport purpose to all over Tamil Nadu and other States. On the date of occurrence, the petitioner parked his lorry in front the defacto complainant's shop. When the same was questioned by the defacto complainant, there was wordy quarrel between the petitioner and the defacto complianant. The relatives of the defacto complainant compromised both the petitioner and the defacto complainant. Due to previous enmity, the petitioner once again came to defacto complainant's shop and engaged with wordy quarrel and abused him in filthy language. Thereafter, the petitioner drove the lorry into the said shop and caused damaged to the tune of Rs.30,000/-.



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Based on the complaint of the defacto complainant, a case has been registered in Crime No.107 of 2024 for the offence punishable under Sections 294(b), 307, 427 of IPC and the respondent police seized the vehicle of the petitioner. Subsequently, the petitioner was arrested and released on bail.

3.It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate Court, Shenkottai, Tenkasi District for returning of the said vehicle in Cr.M.P.No.1016 of 2024 and considering the nature of offence, the learned District Munsif cum Judicial Magistrate Court, Shenkottai, Tenkasi District, vide order dated 28.03.2024, has dismissed the petition. Challenging the same, the above Criminal Revision came to be filed before this Court.

4.The learned counsel appearing for the petitioner would submit that the petitioner's vehicle was never involved in any illegal activity. The respondent police without verifying the same has foisted the above false case.

5.The learned Government Advocate (Criminal Side) appearing for the State vehemently objects to the submission of the learned Counsel for the



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petitioner by stating that the petitioner caused damage to the tune of Rs.30,000/-.

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6.This Court considered the rival submissions and also perused the records and the impugned order.

7.In this case, the vehicle was seized on 01.04.2024. Till date, the confiscation proceeding is not initiated. The vehicle is keeping in the open place from 01.04.2024 onwards . Further, if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated. Considering the over all circumstances of the case, this Court is inclined to allow the revision by following the principle of law laid down by the Honourable Supreme Court, in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat*** reported in **2002 (10) SCC 283**.

8.Accordingly, this Criminal Revision Petition is allowed and the order dated 06.05.2024 in Cr.M.P.No.1016 of 2024 on the file of the learned District Munsif cum Judicial Magistrate Court, Shenkottai, Tenkasi District, is hereby set aside and the learned District Munsif cum Judicial Magistrate Court, Shenkottai, Tenkasi District, is directed to release the vehicle of the petitioner forthwith on



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the following conditions:-

(i) the petitioner is directed to pay a sum of Rs. 35,000/- (Rupees Thirty Five Thousand only) as non-refundable for the vehicle to the credit of the **Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, Account No.:30700985498, State Bank of India, Tiruchuli, IFSC Code: SBIN0003832 on or before 29.07.2024, otherwise the impugned order shall stand restored.**

(ii) on such deposit the petitioner shall execute a bond to the value of the vehicle mentioned in the insurance certificate existed on the date of occurrence before the learned District Munsif cum Judicial Magistrate Court, Shenkottai, Tenkasi District;

(iii) The petitioner shall file an affidavit with specific undertaking that he will not involve in any other offence and vehicle also will not be used in any other offence.

(iv) the petitioner shall produce a certified copy of the R.C.Books of above vehicle;



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(v) the petitioner shall not alienate and shall not make any alteration in the vehicle.

(vi) The photograph of the vehicles is to be taken properly and the petitioner shall produce their vehicles as and when required by the Courts below.

12.06.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To

1. The District Munsif cum Judicial Magistrate Court,
Shenkottai, Tenkasi District;

2. The Sub Inspector of Police,
Courtallam Police Station,
Tenkasi District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

4. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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