



Crl.R.C.(MD)No.650 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.650 of 2024

K.Thukilan

... Petitioner/Petitioner

Vs.

The State rep. by
The Inspector of Police,
TIW II Police Station,
Madurai City.
(Crime No.105 of 2024)

... Respondent/Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to pass an order to call for the entire records relating to the order in Crl.M.P.No.1483 of 2024 dated 28.05.2024 passed by the learned Judicial Magistrate No.VI, Madurai and set aside the same, and consequently directing the learned Judicial Magistrate No.VI, Madurai to return the vehicle namely Auto bearing Registration No.TN-59-AR-3053 to the petitioner.

For Petitioner : Mr.S.Malaikani

For Respondent : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side)

* * * * *



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ORDER

The Criminal Revision Case has been filed to set aside the order in Crl.M.P.No. 1483 of 2024 dated 28.05.2024 passed by the learned Judicial Magistrate No.VI, Madurai and set aside the same, and consequently directing the learned Judicial Magistrate No.VI, Madurai to return the vehicle namely Auto bearing Registration No.TN-59-AR-3053 to the petitioner.

2. The petitioner claims to be the owner cum driver of the vehicle/auto bearing Reg.No.TN-59-AR-3053. On 08.04.2024 at about 3.00 p.m., the petitioner was driving his auto from Mattuthavani to Othakadai road, near Valar Nagar junction at Uthangudi, there was an accident in which one Rabik Raja was injured and he was taken to hospital and the respondent police seized the vehicle of the petitioner and registered a case in Crime No.105 of 2024 for the offences under Sections 279 and 304(ii) of IPC.

3. It is not in dispute that the petitioner has approached the learned learned Judicial Magistrate No.VI, Madurai, for returning of the said vehicle in Crl.M.P.No. 1483 of 2024 and the learned Judicial Magistrate No.VI, Madurai, vide order dated

<https://www.mhc.tn.gov.in/judis>



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28.05.2024, has dismissed the petition on the ground that the petitioner mentioned auto is not seized by the concerned Investigation Officer. 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. He would further submit that the petitioner's family is depending upon the income deprived from the above said vehicle.

5. The learned Government Advocate (Criminal Side) appearing for the respondent strongly opposed to release the vehicle and reiterated the written objection raised before the Court below shown in the page No.25 of the Typed set of papers.

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 08.04.2024. Till date, the confiscation proceeding is not initiated. The vehicle is keeping in the open place from 08.04.2024



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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 28.05.2024 in Cr.M.P.No.1483 of 2024 on the file of the learned Judicial Magistrate No.VI, Madurai, is hereby set aside and the learned Judicial Magistrate No.VI, Madurai, is directed to release the vehicle of the petitioner forthwith on the following conditions:-

(i) the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees 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.**

(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 Judicial Magistrate No.VI, Madurai;



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(*)

(iii) the photograph of the vehicle is to be taken properly and the petitioner shall produce his vehicle as and when required by the Court below;

(iv) the petitioner shall not alienate the vehicle till the disposal of confiscation proceeding;

(*)

(v) the petitioner shall co-operate with the trial Court to complete the confiscation proceedings.

Sd/-

Assistant Registrar

(*)Corrected as per the order of this court dated 08.07.2024 made in CRL RC(MD).No.650 of 2024.

Sd/-

Assistant Registrar(AE)

// True Copy //

/07/2024

Sub Assistant Registrar()

RJR

To

To be substituted to the order which is already despatched on 03.07.2024

1. The Judicial Magistrate No.VI, Madurai.

2. The Inspector of Police,

TIW II Police Station, Madurai City.

<https://www.mhc.tn.gov.in/judis>



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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer,
Criminal (Records),
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

copy to:

The Head Master,
Sethupathi Government Higher Secondary School,
Tiruchuli.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-31677[F] dated
03/07/2024)

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02.07.2024

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RD(03/07/2024) 6P / 8C
MK(09/07/2024) 6P / 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.