



Crl.R.C.(MD)No.849 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.849 of 2024

Murugan

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
(Crime No.115 of 2023)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records of the learned Judicial Magistrate, Pattukkottai in Cr.M.P.No.785 of 2023 dated 03.08.2024 and to set aside the same and further direct the learned Judicial Magistrate, Tenkasi to grant interim custody of vehicle viz., LANCER car bearing Registration No.TN-38-V-9889 to the petitioner.

For Petitioner : Mr.L.Prabhakaran
for Mr.R.Mathava Selvam

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.785 of 2023 in Crime No.115 of 2023 dated 03.08.2024 on the file of the Judicial Magistrate, Tenkasi, dismissing the petition filed under Sections 451 and 457 Cr.P.C.

2. The petitioner claims to be the owner of Lancer car bearing Registration No.TN-38-V-9889. On 14.08.2023, the respondent police has registered a case in Crime No.115 of 2023 for the offence under Section 4(1-A) of TN Prohibition Act and seized the above said vehicle bearing Registration No.TN-38-V-9889 for the alleged illegal transportation of liquor bottles.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Tenkasi for returning of the said vehicle in Crl.M.P.No.785 of 2023 and the learned Judicial Magistrate, vide order dated 03.08.2024, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



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4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that confiscation proceedings has been initiated, that the petitioner is not having any previous cases and that the said vehicle was not involved in any other cases.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-38-V-9889 is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, that the vehicle is with the police for more than one year, that if the vehicle is kept in open place, the value of the said vehicle will get deteriorated and that therefore interim custody may be granted to the petitioner.

7. Considering the facts and circumstances of the case and also the fact that if the vehicle is kept in open place exposing to sun and rain, the



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value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 03.08.2024 passed in Crl.M.P.No.785 of 2023, by the learned Judicial Magistrate, Tenkasi.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 03.08.2024 passed in Crl.M.P.No.785 of 2023 by the learned Judicial Magistrate, Tenkasi, is hereby set aside and the vehicle/Lancer car bearing Registration No.TN-38-V-9889, is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

- (a) the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as non-refundable deposit for the said vehicle to the credit of the District Mineral Foundation Trust, Tenkasi District;
- (b) the petitioner shall execute a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh only)**, with two sureties for a likesum to



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- the satisfaction of the learned Judicial Magistrate, Tenkasi;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Tenkasi;
- (d) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (e) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

06.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Judicial Magistrate,
Tenkasi.
- 2.The Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
CrI.R.C.(MD)No.849 of 2024

Dated: 06.09.2024