



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 31.07.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.414 of 2020

Muthukumar

.. Petitioner

Vs.

State through rep. By
The Sub Inspector of Police,
PEW Saathur Police Station,
Virudhunagar District.
(Crime No.427 of 2020)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to set aside the order passed in Cr.M.P.No.390 of 2020 on the file of the learned Judicial Magistrate No.1, Sattur, dated 01.07.2020 and direct the learned Judicial Magistrate No.1, Sattur, to give interim custody of the petitioner's vehicle Maruthi Swift Dzire Car bearing the Registration No.TN-67-AF-6868 to the petitioner in Crime NO.427 of 2020 on the file of the respondent police.

For Petitioner	: Mr.S.Thirunavukarasu
For Respondent	: Mr.K.Dinesh Babu, Additional Public Prosecutor

ORDER

This revision has been filed to set aside the order passed in Cr.M.P.No.390 of 2020, in Crime No.427 of 2020, dated 01.07.2020, on the file of the learned Judicial Magistrate No.1, Sattur to grant interim custody of the vehicle bearing Registration No.TN-67-AF-6868 to the petitioner.

2.The petitioner claims to be the owner of the car (Maruti Swift Dzire) bearing Registration No.TN-67-AF-6868. The respondent seized the car that belongs to the petitioner alleging that the car was used for transporting 39 liquor bottles. A case was registered against the petitioner in Crime No.427 of 2020 under Section 4(1)(a) of TNP Act (Transport).

3.On the side of the petitioner, it is stated that the petitioner's vehicle was borrowed by his friend, A1, who was alleged to be in possession of the liquor bottles. The petitioner has nothing to do with the offence. The petitioner is not aware of the offence. Only with the good faith, the petitioner handed over the vehicle to A1. It is stated that the vehicle is needed for the use of the petitioner's mother, who is aged and need medical help.

4.On the side of the prosecution, it is stated that the return of the vehicle petition was dismissed by the trial Court. If

<https://hcservices.ecourts.gov.in/hcservices/>



the vehicle is released, there is possibility for using the vehicle for committing similar offence. The bottles are transported for personal gain and the respondent police have initiated confiscation proceedings under Section 14 (4) of TNP Act and objected to the return of the vehicle.

WEB COPY

5.It is seen that the ownership of the vehicle is not disputed. The petitioner is not an accused in the case. If the vehicle is kept in the open place, it will become useless. It is stated that the vehicle is used for the petitioner's aged mother for visiting the hospital.

6.In view of the above submissions, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate No.I, Sattur in Cr.M.P.No.390 of 2020 dated 01.07.2020 is set aside and the learned Magistrate is directed to return the vehicle to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:-

(i)The petitioner shall deposit the original Registration Certificate of the vehicle with the learned Judicial Magistrate No.I, Sattur;

(ii)The petitioner shall execute a bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Sattur.

(iii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(iv)The petitioner shall not alienate and shall not make any alteration in the vehicle;

(v)The petitioner shall produce the vehicle before the Court and before the respondent as and when required and this order is subject to the final order to be passed in the confiscation proceedings.

7.The authority under the Tamil Nadu Prohibition Act may proceed with the confiscation proceedings and the petitioner shall obey any order that may be passed in the said proceeding by the authority.

Sd/-

Deputy Registrar (LA AND M)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Mrn

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Judicial Magistrate No.I, Sattur.
- 2.The Sub-Inspector of Police,
PEW Saathur Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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31.07.2020

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