

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.No.26793 of 2015

Umamageswari.D

... Petitioner

-Versus-

1. The Station House Officer,
Prohibition and Excise Wing,
Hosur.
 2. The Additional Superintendent of Police,
Prohibition and Excise Wing,
Hosur.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus directing the 2nd respondent to release the car bearing Regn.No. TN 19 L 1271 belonging to the petitioner by imposing any condition.

For Petitioner : Mr.M.Arunkumar for
Mr.R.Kannan

For Respondent : Mr.M.S.Ramesh, AGP

ORDER

Seeking for a mandamus directing the release of the car bearing Regn. No.TN 19 L 1271 belonging to the petitioner, which was detained by the 2nd respondent in connection with a criminal case registered in Crime No.1249 of 2015 on the file of the 1st respondent for the alleged offence under Section 4(1) (a) of Tamil Nadu Prohibition Act, the petitioner has come forward with this writ petition.

2. The petitioner claims to be the owner of the car in question. According to the petitioner, her husband is a business man and on the previous day of occurrence, i.e., on 09.08.2015, the car was entrusted to the driver in order to drop her husband at Bangalore. While the driver was returning from Bangalore, the said car was intercepted and a search was made. During search, the driver of the car was found in possession two bottles of liquor one

containing 750 ml. of Whisky and the other containing 375 ml. Rum and an FIR was registered in this regard in Crime No.1249 of 2015 by the 1st respondent for an alleged offence under Section 4(1)(a) of TNP Act.

3. According to the petitioner, neither she nor husband has nothing to do with the alleged offence. The offence is bailable and the driver, who was arrested in the case, has been released on the same day. The vehicle is now unnecessarily detained by the respondents and the same has not even been produced before the court of law.

4. The grievance of the petitioner is that the car in question, which was purchased in her name by her husband with his hard earned money, has been detained by the respondent and the same is now kept idle at the premises of the respondents in open light and air and thus it is getting deteriorated gradually. Hence, she has no other option except to approach this court by way of this writ petition.

5. Heard both sides and also perused the records carefully.

6. Admittedly, a criminal case was registered by the respondent police against the driver of the car in question and he was arrested and later he has been released on bail on his own bond. The registration certificate of the car stands in the name of the petitioner, who is a woman, and she was not at all present at the scene of occurrence place at the relevant point of time. Considering the minor nature of the offence allegedly committed by the driver and the other facts and circumstances of the case, this court is inclined to direct the 2nd respondent to release the car.

7. In the result, this writ petition disposed of and the 2nd respondent is directed to release the car bearing Regn. TN 19 L 1271 to the petitioner on production of a copy of this order forthwith after getting necessary acknowledgement as per rules. It is, however, made clear that the respondents are at liberty to proceed against the driver of the car against whom FIR has been registered according to law. No costs.

kmk

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

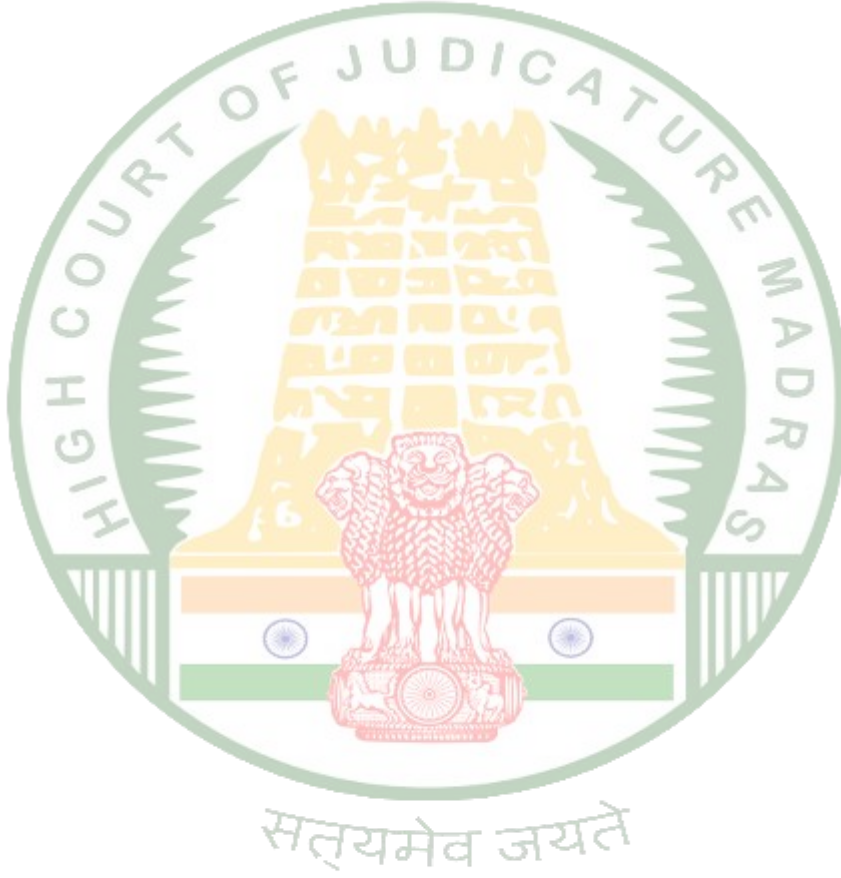
1.The Station House Officer,
Prohibition and Excise Wing, Hosur.

2. The Additional Superintendent of Police,
Prohibition and Excise Wing, Hosur.

+ 1 cc to Mr.R.Kannan, Advocate SR 46033

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W.P.No.26973 of 2015



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