



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2015

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Crl.O.P.(MD)No.21529 of 2015

and

M.P.(MD).No.1 of 2015

Muralidharan

... Petitioner

Vs.

1. The State represented by
the Assistant Superintendent of Police,
Prohibition and Enforcement Wing,
Office of District Superintendent of Police Campus,
Thanjavur.

2. The Inspector of Police,
Prohibition and Enforcement Wing,
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the impugned proceedings issued by the first respondent in Na.Ka.No.Con.35/Ma.V.Aa.P/Thanjavur/15 dated 10.10.2015 and quash the same.

For Petitioner : Mr.B.Jameel Arasu
For Respondents : Mrs.S.Prabha
Govt.Advocate (Crl. side)

O R D E R

The petitioner has come forward with this petition seeking to call for the records pertaining to the impugned proceedings issued by the first respondent in Na.Ka.No.Con.35/Ma.V.Aa.P/Thanjavur/15 dated 10.10.2015 and quash the same.

2. The vehicle bearing Registration No.TN 38 PT 5338 Chevrolet White Tavera Car was seized on having found in possession of transport of liquor from Pondichery and a case has been registered and the first respondent, in his proceedings in Na.Ka.No.Con.35/Ma.V.Aa.P/Thanjavur/15, dated 10.10.2015, informed that the vehicle has been confiscated forthwith and he was asked to present within a period of 14 days from the date of receipt of the said order. Challenging the same, the petitioner has come forward with the present Criminal Original Petition.



3. The learned counsel for the petitioner submitted that the petitioner was not given any opportunity while confiscating the vehicle and that after confiscating the vehicle and asking the person to explain about his consent is nothing but putting the cart before the horse. The learned counsel for the petitioner draw the attention of this Court to the order dated 15.07.2015 in CrI.O.P.(MD).No.13231 of 2015, where some issue was considered and set aside the confiscation order.

4. Heard Mrs.S.Prabha, learned Government Advocate (CrI.side) appearing for the respondents.

5. This Court is of the view that merely because, the vehicle is involved in the offence cannot result in confiscation automatically without the petitioner being heard. Hence, the impugned order is set aside and accordingly, this Criminal Original petition is ordered. Consequently, the connected Miscellaneous Petition is closed. It is open to the authorities to pass appropriate orders in accordance with law.

Sd/-

Assistant Registrar (Per.Admn)

/True Copy/

Sub Assistant Registrar

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To

- 1.The Assistant Superintendent of Police,
Prohibition and Enforcement Wing,
Office of District Superintendent of Police Campus,
Thanjavur.
- 2.The Inspector of Police,
Prohibition and Enforcement Wing,
Kumbakonam,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.B.Jamel Arasu Advocate Sr.No.65711

CSL/GSV/AN/4.12.2015-2P-5C