



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2015

CORAM

THE HONOURBLE MR. JUSTICE M. SATHYANARAYANAN

Crl.R.C.(MD).No.531 of 2014 and M.P.(MD)No.1 of 2014

WEB COPY

Alex @ Alagarsamy

.. Revision petitioner/Petitioner

Vs.

1.State through,
Inspector of Police,
Sattur (PEW)
Crime No.27/2014

2.State through
Additional Superintendent of Police,
(PEW), Virudhunagar.

.. Respondents/Respondents

Criminal Revision Case is filed under Section 397 r/w 401 Cr.P.C. to call for the records and set aside the orders of the Principal Sessions Judge, Srivilliputhur passed in Cr.M.P.No.6666 of 2014 dated 12.12.2014 in C.C.No.147 of 2014.

For Petitioner : Mr.D.Farjana Ghoushia

For Respondents : Mr.P.Kandasamy
Government Advocate (crl.side)

ORDER

By consent the revision itself is taken up for final disposal.

2. The petitioner claims that he is the owner of the TATA ACE vehicle bearing registration No.TN 63 E 7601.

3. According to the respondents/prosecution, the petitioner has transported 50 bottles of spurious liquor and it was seized on 15.01.2014 and the petitioner was also arrested. Subsequently, the said vehicle was confiscated under Section 14(4) of the Tamil Nadu Prohibition act and a decision has been taken to auction the said vehicle and prior to auctioning the vehicle, an offer was given to the petitioner to pay a sum of Rs.1,29,490/- being the value of the vehicle fixed.

4. However, the petitioner did not avail the said opportunity and therefore, a decision has been taken to auction the vehicle vide proceedings of the Additional Superintendent of Police (PEW), Virudhunagar dated 16.10.2014. The petitioner challenging the illegality of the order filed appeal in C.A.No.147 of 2014 on the file of the Court of Principal District & Sessions, Srivilliputhur and pendency of the appeal, filed Crl.M.P.No.6666 of 2014 for stay of the operation of the said order. However, the said petition for stay was dismissed on 12.12.2014 and aggrieved by the same, he has filed this revision.

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

5. Notice was ordered to the respondent by this Court on 23.12.2014 and when the petition for stay was listed for hearing on 08.01.2015,



this Court has granted interim stay for further proceedings on condition that the petitioner pays a sum of Rs.40,000/- to the credit of C.A.No.147 of 2014 on the file of the Principal Sessions Court, Virudhunagar at Srivilliputhur. The petitioner has filed a memo dated 20.01.2015 stating that the conditional order has been complied with and the said memo is taken on record.

6. The learned counsel for the petitioner would submit that since the conditional order passed by this Court has been complied with, the portion of the impugned order dated 16.10.2014 in so far as bringing the vehicle for auction may be stayed and depending upon the result of the appeal, the petitioner may be granted liberty to workout his further remedy for return of the vehicle.

7. This Court heard the submission of the learned Government Advocate (crl. side also) who would submit that since the vehicle owned by the petitioner was used for transporting illicit liquor, it was seized and further proceedings took place under the provisions of the Tamil Nadu Prohibition Act.

8. This Court taking into consideration of the rival submissions and also the fact that the conditional order passed by this Court on 08.01.2015 has been complied with, is disposing this Criminal Revision Case on the following terms:-

"Pending disposal of the C.A.No.147 of 2014, on the file of the Court of Additional District Judge, Virudhunagar District at Srivilliputhur, there will be an order of stay of the operation of the order dated 16.10.2014 in so far as bringing the TATA ACE vehicle bearing registration No.TN 63 E 7601 for public auction alone is concerned. The Court of Additional District Judge, Virudhunagar District at Srivilliputhur is directed to give priority for the early disposal of C.A.No.147 of 2014. The sum of Rs.40,000/- deposited is subject to the result of the said appeal. Consequently, connected Miscellaneous Petition is closed."

Sd/-

Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Principal District & Sessions Judge,
Srivilliputhur, Virudhunagar District.
 - 2.The Inspector of Police, Sattur (PEW),Crime No.27/2014
 - 3.The Additional Superintendent of Police,(PEW), Virudhunagar.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.
- Copy to: The Section Officer,Criminal Section,
Madurai Bench of Madras High Court,Madurai.
- +1cc to Mr.G.Mariappan,Advocate, SR.No.2504

Crl.R.C. (MD)No.531 of 2014
20.01.2015