

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.4206 of 2016

Selvakumar

.. Petitioner

... Vs ...

1. The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Krishnagiri District.

2. The Inspector of Police,
PEW Hosur,
Krishnagiri District.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to issue direction to the 1st respondent to release the vehicle TN-54-J-1111 (INNOVA 25 V) to the petitioner for interim custody, considering the representation dated 28.10.2015.

For Petitioner : Mr.B.Vasudevan

For Respondents: Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction, directing the first respondent to release the vehicle TN-54-J-1111 (INNOVA 25 V) to the petitioner for interim custody, considering the representation dated 28.10.2015.

2. The learned counsel for the petitioner would submit that the petitioner's vehicle was involved for commission of transporting illegal arrack and the petitioner is neither accused nor owner of the goods. But for the petitioner's vehicle, confiscation proceedings have been initiated and hence, the petitioner has come forward with this petition for the above stated relief.

3. At this juncture, the learned Additional Public Prosecute would submit that the petitioner has not filed any application before the territorial Magistrate's Court for interim custody of the vehicle under Section 452 of Cr.P.C. It is further submitted that since the vehicle has been used for transporting the arrack without licence, even though the petitioner is not an accused, confiscation notice has been served on him on 25.10.2015 and thereafter, the petitioner has sent a representation dated 28.10.2015 to the first respondent police. But after receipt of the notice, he has not appeared before the Court.

4. Considering the rival submissions made by the learned counsel on either side, the respondent/confiscation authority is directed to consider and dispose of the representation submitted by the petitioner dated 28.10.2015, within a period of one month from the date of receipt of copy of this order.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Krishnagiri District.
2. The Inspector of Police,
Prohibition and Enforcement Wing,
Hosur, Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.4206 of 2016

ppa (CO)
srg (15/03/2016)