

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2017

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.16845 of 2017 and
W.M.P.Nos.18296 & 18297 of 2017

S.Ravichandran

... Petitioner

Vs.

1.The Inspector of Police,
PEW Police Station,
(Prohibition Enforcement Wing)
Nannilam, Tiruvarur District,

2.The Additional Superintendents of Police,
Additional Superintendent Office,
PEW Office (Prohibition Enforcement Wing)
Tiruvarur.

... Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the proceedings of the second respondent in Na.Ka.No.22/ADSP/PEW/Unit/2017 dated 09.05.2017 and quash the same.

For Petitioner : Mr.S.Murugendran

For Respondents: Mr.K.Rajendra Prasad
Government Advocate

O R D E R

Heard Mr.S.Murugendran, learned counsel appearing for the petitioner and Mr.K.Rajendra Prasad, learned Government Advocate appearing for the respondents. With the consent on either side, the writ petition is taken up for disposal.

2. The petitioner is aggrieved by the order passed by the second respondent dated 09.05.2017, by which, the first respondent has directed the petitioner to pay a sum of Rs.3,00,000/- for obtaining the release of the vehicle, which was detained, on account of the fact that it was utilized for smuggling liquor bottles from Pondicherry. Much prior to the impugned proceedings, the petitioner has moved to the District Munsif cum Judicial Magistrate, Nannilam in Crl.M.P.No.942 of

2017, for return of the property under Sections 451 and 457 of the Criminal Procedure Code.

3. The Court below, after hearing the learned Additional Public Prosecutor on behalf of the first respondent, passed the order on 11.04.2017, granting interim custody of vehicle of the petitioner subject to confiscation proceedings, if any, on the petitioner complying with the following conditions:

"1. That the petitioner should execute a bond for Rs.4,50,000/- along with one surety like sum.

2. That the petitioner should furnish Original R.C. Book.

3. That the petitioner should produce a photograph along with CD of the vehicle.

4. That the petitioner should not alter or encumber the property.

5. That the petitioner should make an undertaking to produce the property as and when required by either confiscating officer or prohibition officer and by this Court."

4. Since the order passed by the Court below is much prior to the order passed by the second respondent dated 09.05.2017, this Court issued notice to the respondents calling upon them to explain as to why they have not complied with the order passed by the Court below. The learned Government Advocate, appearing for the respondents, submitted that the first respondent release the vehicle subject to the petitioner complying with the conditions imposed by the Court below and on appearing before the first respondent.

5. In the light of the same, without prejudice to the confiscation proceedings that have been initiated, the first respondent is directed to release the vehicle in question within the period of two days from the date, on which, the petitioner complies with the conditions imposed by the Court below in his order dated 11.04.2017 as mentioned supra.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Asst. Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police,
PEW Police Station,
(Prohibition Enforcement Wing)
Nannilam, Tiruvarur District,
 2. The Additional Superintendent of Police,
Additional Superintendent Office,
PEW Office (Prohibition Enforcement Wing)
Tiruvarur.
 3. The District Munsif -cum-
Judicial Magistrate,
Nannilam.
- + 1 cc to M/s.G.Murugendran, Advocate, SR.53142
- + 1 cc to The Govt.Pleader, SR.52721

W.P.No.16845 of 2017

GRII(CO)
NR 17/08/2017



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