

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 12.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.23592 of 2018

V.Madhavan

... Petitioner

Vs.

The State represented by
Inspector of Police,
Thittacherry Police Station,
Nagapattinam.

... Respondent

For Petitioner : Mr.M.Govindaraju

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to issue direction, directing the respondent to comply the order of the learned Judicial Magistrate No.II, Nagapattinam passed in Crl.M.P.No.2421 of 2018 dated 18.07.2018 on the file of the respondent police in Cr.No.119 of 2018.

ORDER

This petition has been filed seeking for a direction to the respondent to comply with the order passed by the learned Judicial Magistrate No.II, Nagapattinam passed in Crl.M.P.No.2421 of 2018 dated 18.07.2018, wherein the respondent police was directed to produce the petitioner's Maruthi Swift Dzire car bearing registration No.TN 09 BY 4933.

2. The learned counsel for the petitioner would submit that the respondent police has not complied with the order passed by the court below and therefore the present petition has been filed before this Court.

3. The learned Additional Public Prosecutor on instructions would submit that FIR has been registered in this case for an offence under Sections 4 (1) (aaa), 4(1-A) of Tamil Nadu Prohibition Act. According to the learned Additional Public Prosecutor, the respondent police is taking steps to initiate confiscation proceedings.

4. There is a judicial order passed by the learned Judicial Magistrate, No.II, Nagappattinam directing the police to produce the vehicle before the Court. This order has to be complied with by the respondent police. If the respondent police wants to initiate confiscation proceedings, the same has to be done independently and that cannot be a ground for the respondent police not to comply with the order passed by the Court below.

5. In view of the above, the respondent police is directed to comply with the order passed by the Judicial Magistrate, No.II, Nagappatinam, dated 18.07.2018 and produce the vehicle before court below within a period of one week from the date of receipt of a copy of this order. It is left open to the respondent police to independently initiate confiscation proceeding, if so advised.

6. With the above direction, this petition stands disposed of.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

dss/nmm

To

1. The Judicial Magistrate Court, No.II,
Nagapattinam.
2. The Inspector of Police,
Thittacherry Police Station,
Nagapattinam.
3. The Public Prosecutor,
Madras High Court, Madras

+1cc to Mr.M.Govindaraju, Advocate SR.No.77133

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KAN (CO)

GMV (14/11/2018)