



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.R.C(MD)No.457 of 2018

and

CrI.M.P(MD) No.6373 of 2018

The Tahsildar/Deputy Manager,
Retail Vending Section,
Virudhunagar TASMAL Ltd.,
Virudhunagar.

: Petitioner/Petitioner

Vs.

1.State rep through
The Sub-Inspector of Police,
Prohibition Wings,
Srivilliputhur.
(Crime No.9 of 2018)

: 1st Respondent/Complainant

2.Muneeswaran
3.Subburam
4.Pulukaruppan

: Respondents 2 to 4/Accused 1 to 3

PRAYER: Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to set aside the conditions 2 and 3 imposed in the order passed in Cr.M.P.No.198 of 2018 on the file of the Judicial Magistrate Court-II, Srivilliputtur, dated 28.05.2018 by allowing this criminal revision petition.

For Petitioner : Mr.H.Arumugam
For R-1 : Mr.A.Robinson,
Government Advocate (CrI.Side).

ORDER

Heard the learned counsel appearing the petitioner and the learned Government Advocate (CrI.Side) appearing for the first respondent.

2.The case is arising out of Tamil Nadu Prohibition Act, wherein liquor meant for sale through TASMAL outlet, had been sold illicitly in unlicensed bar, situated next to the TASMAL outlet. Riding a team has seized liquor worth about Rs.3,80,000/-, which was produced before the Court as a case property. The Tahsildar cum Deputy Manager, Retail Vending Section, Virudhunagar TASMAL Ltd., has moved an application for return of property on the ground that the property belongs to the State and if it is left with the custody



of the Court, it will loss its potential on the expiry date, which is being a perishable product. The trial Court has considered the petition and ordered return of property on the following conditions:-

"(i)The petitioner should account the case property in the TASMAC ledger account.

(ii)The petitioner shall sell the liquor bottles and deposit the sale proceeds of Rs.3,80,000/- within one month in the Court deposit account.

(iii)The petitioner shall execute a bond for a sum of Rs.4,00,000/-.

(iv)The case property should be photographed and placed in the file as a part of record".

3.Aggrieved by the conditions 2 and 3, the present criminal revision case has been filed, on the ground that since the property belongs to the State and the sale proceeds has to be accounted in the Treasury instead of depositing in the Court account, the petitioner may be permitted to deposit in the Treasury, towards the liquor supplied to the TASMAC outlet, which will avoid discrepancy in the statement of account. Further, being a public servant and to ensure the public property should not go waste, he has filed petition as a third party, so he need not to be compelled to execute a bond as mandated in condition number three.

4.This Court finds force in the submission made by the counsel. It is an undisputed fact that the case property, namely, liquor bottles worth about Rs.3,80,000/- were supplied from the TASMAC godown to the TASMAC outlet from the Shop No.11865. Therefore, it is appropriate to deposit the sale proceeds in the Treasury, so that the TASMAC account will have no discrepancy.

5.Hence, this Criminal Revision Case is allowed. The conditions 2 and 3 imposed in the order passed in Cr.M.P.No.198 of 2018 on the file of the Judicial Magistrate Court No.II, Srivilliputtur are deleted. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Judicial Magistrate Court No.II,
Srivilliputtur.



2. The Sub-Inspector of Police,
Prohibition Wings,
Srivilliputhur.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.H.Arumugam, Advocate SR.No. 78342

ORDER MADE IN
Cr1.R.C (MD) No.457 of 2018
and
Cr1.M.P. (MD) No.6373 of 2018

cp
JM/SKN RSK/SAR 1/21.08.2018/3P/5C