



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM:

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

WEB COPY

Crl.R.C(MD)No.481 of 2018

Senthilkumar

.. Petitioner/Petitioner

-Vs-

State rep. by its

The Sub Inspector of Police,

PEW Police Station, Pudukottai District.

In Crime No.571 of 2018

.. Respondent/Respondent

Prayer: Criminal Revision Case is filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed by learned Judicial Magisterial No.II, Pudukottai in Crl.M.P.No.1463 of 2018, dated 18.07.2018 and set aside the same and direct the learned Judicial Magistrate to give interim custody of the Toyota Fortuner bearing registration No.TN-55-AK-9000.

For Petitioner : Mr.A.Arun Prasad

For Respondent : Mr.A.Robinson

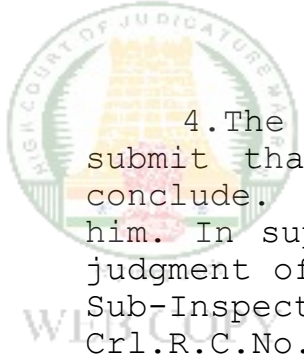
Government Advocate (Crl. Side)

ORDER

Petition for return of vehicle, which according to the prosecution involved in prohibition offence. However, the petitioner would submit that he is the owner of the vehicle and he had no knowledge of the transport of IMFL in his vehicle. Further, the prosecution has also after the investigation found that the petitioner has not involved in the illicit transport of iMFL seized from the occupiers of the vehicle.

2.The learned Government Advocate (Crl. Side) would submit that confiscation proceedings under Section 14 of the Tamilnadu Prohibition Act has already been initiated and summons were served to the petitioner/owner thrice. But, he has not participated in that proceedings.

3.The learned Government Advocate (Crl. Side) would further submit that the show cause notice was issued to the petitioner herein by the Additional Superintendent of Police, Pudukkottai on 17.07.2018 and the same was received by the petitioner herein on 18.07.2018. Since he has not participated in the confiscation proceedings, no order so far passed.



4.The learned counsel appearing for the petitioner herein would submit that the confiscation proceedings will take long time to conclude. Till then, interim custody of the vehicle may be given to him. In support of his contention, the counsel would relied upon a judgment of this Court reported in S.Vijaya Vs.State rep. by its The Sub-Inspector of Police, Peralam Police station and others in CrI.R.C.No.248 of 2016, vide order dated 28.04.2016. No doubt, the Division Bench of this Court earlier in David Vs. Shakthivel, Inspector of Police-cum-Station House Officer, reported in CDJ 2010 MHC 840 has given guidelines to the Court below as to how the power under Sections 451 and 457 should be exercised by the Magistrates when confiscation proceedings is contemplated or initiated under the Prohibition Act.

5.In this case, since confiscation proceedings has already been initiated and the petitioner herein not so far participated in it with an impression/apprehension that it will take long time to decide, it is sufficient to direct the petitioner herein to show cause his reason for the notice of the Additional Superintendent of Police, dated 17.07.2018, within 15 days from the date of receipt of a copy of this order. Based on his explanation, suitable order may be passed by the Additional Superintendent of Police in accordance with law within seven days from the receipt of the explanation. It is open to the petitioner to approach this Court, if no order is passed by the Additional Superintendent of Police within the time framed in this order.

6.Accordingly, this Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The Judicial Magistrate II, Pudukkottai.

2.The Sub Inspector of Police,
PEW Police Station, Pudukkottai District.

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

+1CC to Mr.A.Arun Prasad, Advocate, SR.No. 83209

CrI.R.C(MD)No.481 of 2018

06.09.2018

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