



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.09.2018
CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.15808 of 2018

Vijayaraghavan

... Petitioner

Vs

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

2.The Sub Inspector of Police,
Prohibition and Enforcement Wing,
Alangudi, Pudukkottai District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the second respondent police to produce the vehicle bearing Registration No.TN 59 AJ 9870 before the learned District Munsif cum Judicial Magistrate, Alangudi in pursuant to the order passed by the learned Magistrate in Cr.MP.No.4264 of 2018.

For Petitioner : Mr.R.Maheswaran

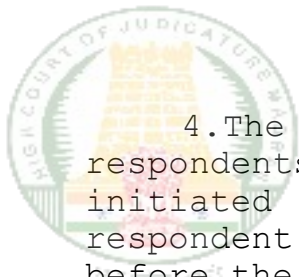
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

ORDER

This petition has been filed for a direction to the second respondent police to produce the vehicle before the Court below pursuant to the orders passed by learned Judicial Magistrate, Alangudi in Cr.M.P.No.4264 of 2018.

2.It is the case of the petitioner that the petitioner's vehicle was hired by a person called as Selvam and the vehicle was seized by the second respondent on 12.07.2018, on the ground that the liquor bottles were taken in the said vehicle. The petitioner has been arrayed as an accused in Crime No.542 of 2018 which was registered by the second respondent pursuant to the seizure.

3.The learned counsel for the petitioner would submit that the petition was filed seeking for production of the vehicle before the Court below. The Court below, by order dated 09.08.2018, after considering the entire facts and circumstances, directed the second respondent to produce the vehicle, within a period of two weeks from the date of receipt of a copy of this order.



4.The learned Government Advocate (Crl.side) for the respondents would submit that confiscation proceedings have been initiated by the first respondent and therefore, the second respondent police was not in a position to produce the vehicle before the Court below.

5.Till an order has been passed by a Competent Court, directing the second respondent to produce the vehicle before the Court below, the second respondent is duty bound to comply with the order of the Court. Therefore, confiscation proceedings initiated by the first respondent is not a ground for the second respondent to violate by the order by not producing the vehicle before the Court below. If the second respondent is aggrieved by the order of the Court below, the same has to be challenged in the manner known to law. Till the order is in force, the second respondent has no other option except to comply with it.

6.In view of the above, the second respondent is directed to comply with the order of the Court below within a period of one week from the date of receipt of a copy of this order.

7.With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1.The District Munsif cum Judicial Magistrate,
Alangudi.

2.The Additional Superintendent of Police,
Prohibition and Enforcement Wing,
Pudukkottai District.

3.The Sub Inspector of Police,
Prohibition and Enforcement Wing,
Alangudi, Pudukkottai District.

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

+1CC to Mr.R.Maheswaran, Advocate, SR.No.82852

CRL.O.P. (MD) No.15808 of 2018

05.09.2018

RMI

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