

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.12539 of 2016
CRL MP.NO.6467/16

Sugumar

... Petitioner

Vs.

1.The Additional District Superintendent
of Police,
(Prohibition Wing)
Villupuram.

2.State rep. By
Station House Officer
Prohibition & Excise Wing,
Kottakkuppam Police Station.

... Respondents/Complainant

(Crime No.35 of 2016)

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the Learned Judicial Magistrate No.II, Tindivanam to dispose of the petition in C.M.P.No.56 of 2016 on the file of Judicial Magistrate No.2, Tindivanam within time frame stipulated.

For Petitioner : Mr.Venkadeshan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor.

O R D E R

This petition has been filed to direct the Learned Judicial Magistrate No.II, Tindivanam to dispose of the petition in C.M.P.No.56 of 2016, pending on his file within a stipulated time.

2.It is seen that the petitioner is the owner of a car viz., Innova bearing registration No.TN-03-H-1000 and hires the case as taxi cab. On 01.02.2016, when the police was on their regular patrol duty, they intercepted the petitioner's vehicle and seized the vehicle stating that the vehicle was used for carrying prohibited liquor from Pondicherry to Chennai. Hence, the respondent police registered a case as against the petitioner for the offence

under Section 4(1)(aaa) and 4(1A) of Tamil Nadu Prohibition Act. Therefore, the petitioner filed an application in C.M.P.No.56 of 2016 before the learned Judicial Magistrate No.II, Tindivanam for return of vehicle and the learned Judicial Magistrate, by an order dated 08.02.2016 has ordered the respondent police to produce the vehicle before the Court on 11.02.2016 for further proceedings. But till date the vehicle was not produced before the court by the respondent police. Hence, the petitioner has filed the present petition with the aforesaid prayer.

3.The learned Additional Public Prosecutor submitted that already the C.M.P.No.56 of 2016 was disposed of by the learned Judicial Magistrate No.II, Tindivanam. Hence, the prayer sought for by the petitioner has become infructuous.

4.In view of the above submission, nothing survives in this petition. Accordingly, this Criminal Original Petition is dismissed as infructuous. Consequently, connected miscellaneous petition is also closed.

Sd/--

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rm

To

1.The Additional District Superintendent
of Police,
(Prohibition Wing)
Villupuram.

2.The Station House Officer
Prohibition & Excise Wing,
Kottakkuppam Police Station.

3.The Judicial Magistrate No.2, Tindivanam

4.The Chief Judicial Magistrate,Villupuram.

5.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.12539 of 2016

A.SK(08/05/2019)