

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.275 of 2016
and
Crl.M.P.No.1899 of 2016

N.R.Subdararaman

...Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Prohibition Enforcement Wing,
Hosur, Krishnagiri District.

2.The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Krishnagiri District,
Krishnagiri.
Crime No.636 of 2014

...Respondents

This Criminal Revision has been filed under Section 397 read with 401 of Code of Criminal Procedure to set aside the Judgment passed by the learned Principal District Sessions Judge, Krishnagiri in Criminal Appeal No.9 of 2015 dated 01.12.2015 confirming the confiscation order passed by the Additional Superintendent of Police, Prohibition Enforcement Wing, Krishnagiri District, Krishnagiri, vide Na.Ka.No. 68/ADSP/P.E.W/KGI/2015 dated 23.01.2015 the petitioner is preferring this revision to call for the records and revise the same.

For Petitioner : Mr.V.Rajamohan

For Respondents : Mr.Ravichandran
Government Advocate

O R D E R

This revision has been filed by the petitioner seeking to set aside the Judgment passed by the learned Principal District Sessions Judge, Krishnagiri in Criminal Appeal No.9 of 2015 dated 01.12.2015, confirming the confiscation order passed by the Additional Superintendent of Police, Prohibition Enforcement Wing, Krishnagiri District, Krishnagiri, vide Na.Ka.No. 68/ADSP/P.E.W/KGI/2015 dated 23.01.2015.

2. On 12.07.2014, during routine vehicle check up, the first respondent has seized the vehicle bearing Registration No.TN 42 D 9229 for transporting liquor. Hence, the respondent police seized the vehicle and registered a case in Crime No.636 of 2014. The respondent has sent a show cause notice indicating that the petitioner was directed to deposit a sum of Rs.11,00,000/- to get back the vehicle, otherwise the vehicle would be confiscated. Again, the second respondent has sent a final show cause notice dated 21.03.2015 to the petitioner, directing him either to pay the amount or the vehicle would be sold on public auction. As against the said order, the petitioner preferred an appeal before the learned Principal District Sessions Judge Krishnagiri in C.A.No.9 of 2015, dated 01.12.2015. After hearing both sides, the learned Judge confirmed the confiscation order passed by the 2nd respondent viz., Additional Superintendent of Police, Prohibition Enforcement Wing, Krishnagiri District vide Na.Ka.No.68/ADSP/P.E.W/KG1/2015 dated 23.01.2015. Challenging the said order passed by the learned Principal District Sessions Judge Krishnagiri in C.A.No.9 of 2015, dated 01.12.2015, the petitioner has filed this present revision before this Court.

3. The main contention raised by the learned counsel for the revision petitioner is that the procedures have not been followed by the Prohibition Enforcement Wing. The petitioner has received the show cause notice stating that the petitioner is directed to pay the amount or the vehicle would be sold on public auction and he has also sent a reply dated 01.09.2014 that he has not involved in this matter, without the knowledge of the accused/petitioner, the driver took away the vehicle and involved in this act. The learned counsel would further submit that all along this Court has been entertaining the revision cases against the orders passed by the lower Court under Section 451 of Cr.P.C and several orders have been passed by various Judges of this Court entertaining the revision cases against the order passed under Section 451 of Cr.P.C. Therefore, the order learned counsel prays to set aside the passed by the learned Sessions Judge.

4. The learned Government Advocate (Crl. side) would submit that the respondents have followed the procedures contemplated under the Act. The petitioner is the owner of the vehicle and the vehicle is involved in illegal activities, cannot be granted any relief and the learned Sessions Judge has rightly dismissed the claim of the petitioner, which does not warrant any interference.

5. Heard the learned counsel appearing for the revision petitioner as well as the learned Government Advocate and

perused the materials available on record.

6. Admittedly the petitioner was transporting liquor in the vehicle and the petitioner is the owner of the vehicle. On reading of the records shows that the procedure has been followed in the confiscation proceedings under the Act. The learned counsel for the petitioner has placed reliance on the judgment reported in 2015(1) LW (Cr1.) 178 N.Ramesh -vs- State as extracted hereunder:

"11. In the case on hand, presuming that the vehicle is liable for confiscation and for the said purpose, valuation has to be done, the Additional Superintendent of Prohibition Enforcement Wing, Krishnagiri District had directed the petitioner produce the vehicle on 10.11.2014 at 10.00 A.M, in the office of the Prohibition Enforcement Wing, Krishnagiri District, failing which, proceedings for confiscation would be taken."

The decision referred to by the learned counsel for the petitioner is not applicable to the present case on hand. In this case, the procedures have been complied with as contemplated under the Act. Further, the respondent police have sent several show cause notices and an opportunity was also given to the petitioner before initiating the confiscation proceedings. This Court does not find any valid reason to interfere with the order passed by the learned Sessions Judge and the order of the second respondent herein and no merit in the revision filed by the petitioner.

7. With the above observation, the Criminal Revision Petition stands dismissed. Consequently, the connected Criminal Miscellaneous Petition is also closed.
rli

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal District Sessions Judge,
Krishnagiri.

2.The Inspector of Police,
Prohibition Enforcement Wing,
Hosur, Krishnagiri District.

3.The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Krishnagiri District,
Krishnagiri.

+lcc to M/s. N.Mohideen Basha, Advocate, SR.No.14773

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Kak(30/04/2019)



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