

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.296 of 2016

Janakiraman

...Petitioner / Vehicle Owner

Vs.

The State represented by
The Inspector of Police,
PEW, Salem City.
Crime No.551 of 2015

...Respondent

This Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure to call for the records and set aside the dismissal order dated 19.01.2016 passed by The Judicial Magistrate No.IV, Salem in CMP.No.4742 of 2015, and order for interim custody of the said vehicle PIAGGIO Auto Rickshaw bearing Registration No. TN 49 AL 2486 Chassis No. MBX 0000ZFNL 406050 Engine No. RIK 2039337 to the petitioner.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.Suriya Prakash
Government Advocate (Crl. side)

O R D E R

This petition has been filed by the petitioner/accused seeking to call for the records and set aside the dismissal order dated 19.01.2016 passed by the learned Judicial Magistrate No.4, Salem in CMP.No.4742 of 2015.

2. On 10.12.2015, during routine vehicle check up, the respondent seized the vehicle bearing registration No.TN 49 AL 2486 for having possession of liquor illegally. Hence, the respondent police registered a case in Crime No.551 of 2015 and charge sheet has also been filed under Sections 451 and 457 of Cr.P.C. and the same was taken up on file in C.M.P.No.4742 of 2015 before the learned Judicial Magistrate, Salem. After hearing, the learned Judge dismissed the petition. Challenging the said order, the petitioner has filed the present revision before this Court for the relief of interim custody of the vehicle.

3. The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and that the petitioner is no way connected with this matter. One Arumugam was driver of the auto rickshaw, took the vehicle daily on rental basis. He only involved in this case. Therefore, the petitioner prays for interim custody of the vehicle.

4. The learned Government Advocate (Criminal Side) would submit that the vehicle has been sent to prohibition wing, Salem for the purpose of confiscation and confiscation proceedings initiated and the same is pending. Therefore, the order of the learned Judge does not warrant interference.

5. Heard the learned counsel appearing for the revision petitioner/accused as well as the learned Government Advocate and perused the materials available on record.

6. From the materials and pleadings as disclosed in the revision case, the vehicle was transporting liquor without any license and the learned Government Advocate submitted that the respondent police has rightly seized the vehicle for the said offence. Therefore, the learned Magistrate thought it fit not to entertain the present petition under Section 457 of Cr.P.C. for return of the vehicle. Therefore, there is no perversity in the order passed by the trial Court and there is no merit in this revision.

7. In the result, this criminal revision is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli
To

1. The Judicial Magistrate No.4,
Salem.
2. The Inspector of Police,
PEW, Salem City.
3. The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.296 of 2016

VBA (CO)
SSM(27/03/2019) .