

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.07.2019

CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.18749 of 2019

K.Saravanan

... Petitioner

Vs.

The State Rep. by,
The Inspector of Police,
PEW Vaniyambadi Police Station,
Vellore District.
Crime No.206 of 2019.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to directing the Respondent to return the Ashok Leyland Lorry bearing registration No.TN83 V 6694 which was kept illegal custody by the respondent based on the representation dated 10.06.2019.

For Petitioner : Mr.Sudarsan
for M/s.S.Paulgnanamuthu

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed for a direction to the respondent police to return the vehicle that has been seized by the respondent police in Crime No.206 of 2019.

2.The case of the prosecution is that the respondent police had intercepted a vehicle and they found that the vehicle was carrying illicit arrack. Therefore an FIR came to be registered in Crime No.206 of 2019 for an offence under Sections 4(1)(aaa) and 4(1-A) of the Tamil Nadu Prohibition Act, Sections 6 and 7 of the Tamil Nadu Rectified Sprit Rules 2000 and Sections 420, 468 and 471 of Indian Penal Code, 1860.

3.The accused persons who were travelling in the vehicle were apprehended and arrest and based on the confession given by the co-accused, this petitioner has also been added as an accused.

4.The grievance of the petitioner is that even though the respondent police have seized the vehicle bearing registration No.TN83 V 6694, for which the petitioner claims

ownership, this vehicle has not been produced before the concerned Court and it is being detained by the respondent police in the Police Station. Therefore the petitioner made a representation to the respondent police to return back the vehicle. Since no action has been taken, the present petition has been filed seeking for appropriate directions.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent police.

6. Taking into consideration the facts and circumstances of the case, the petitioner is given liberty to file a petition under Section 457 of Cr.P.C. before the Judicial Magistrate No.III, Tirupattur, seeking for return of the vehicle. Even if the vehicle has not been produced before the Court, the learned Judicial Magistrate has sufficient powers to consider the application and pass appropriate orders by imposing conditions. The learned Judicial Magistrate shall pass appropriate orders within a period of two weeks from the date of filing of the petition by the petitioner seeking for the return of vehicle.

7. This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jas/vs

To

1. The Inspector of Police,
PEW Vaniyambadi Police Station,
Vellore District.
Crime No.206 of 2019.

2. The Judicial Magistrate III, Tirupattur.

3. -do- Thro' The Chief Judicial Magistrate,
Vellore.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Paul Gnanamuthu, Advocate, S.R.No.61374(24/07/19)

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VD(CO)

RRS(17/07/2019)