

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.753 of 2019

Balamurali

.. Petitioner/Accused No.2

Vs.

The State represented by
The Inspector of Police,
Cheyyur Police Station,
Kancheepuram District.

.. Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C.,
to set aside the order dated 15.07.2019 passed in
Crl.M.P.No.5005 of 2019 on the file of the Judicial Magistrate
Court, Madurantakam, Kancheepuram District.

For Petitioner : Mr.MA.P.Thangavel

For Respondent : Mrs.P.Kritika Kamal
Government Advocate
(Crl.Side)

O R D E R

This revision petition has been filed seeking to set aside
the order dated 15.07.2019 passed in Crl.M.P.No.5005 of 2019 on
the file of the Judicial Magistrate Court, Madurantakam,
Kancheepuram District.

2. The facts of the case are succinctly stated as under:

On 21.06.2019, around 5.00 a.m., when the respondent/police
were engaged in vehicle checking in the East Coast Road, they
checked a car, viz., Hyundai GL Sportz, bearing Registration
No.TN-06-E- 1343 and found twelve Tuborg beer bottles and twelve
Budweiser beer bottles and therefore, registered a case in Crime
No.140 of 2019 under Section 4(1)(a) of the Tamil Nadu
Prohibition Act and arrested the occupants of the car viz.,
Karthipan (A1), Balamurali (A2), Ajith (A3) and Logesh (A4). The
police also seized the beer bottles and the car. Balamurali (A2)

filed Crl.M.P.No.5005 of 2019 under Section 451 r/w 457 Cr.P.C. before the Judicial Magistrate, Madurantakam, for interim custody of the car, which has been dismissed on 15.07.2019, challenging which, Balamurali (A2)/petitioner, is before this Court.

3. Heard Mr.MA.P.Thangavel, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) for the respondent/State.

4. The Trial Court has dismissed the petition on the short ground that the police have not produced the vehicle and the Investigating Officer informed the Court that he has sent a report to the Additional Superintendent of Police, PEW, for initiating confiscation proceedings.

5. A Division Bench of this Court, in David Vs. Shakthivel [2010 (1) MLJ (Cri) 929], has given clear guidelines as to how such claims should be decided by the Court.

6. In this case, the Investigating Officer has sent a report to the Additional Superintendent of Police for initiating confiscation proceedings, but, till date, the Additional Superintendent of Police has not initiated any proceedings.

In such view of the matter, this Court directs the police to produce the vehicle before the Judicial Magistrate, Madurantagam, within one week from the date of receipt of a copy of this order and thereafter, the Judicial Magistrate, Madurantagam, is directed to pass orders under Section 451 Cr.P.C., granting interim custody of the vehicle to the petitioner herein, on such terms, the learned Magistrate shall deem fit, just and necessary.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

nsd
To

1. The Judicial Magistrate,
Madurantagam.

2.Do Thro The Chief Judicial Magistrate
Kancheepuram.

3. The Inspector of Police,
Cheyyur Police Station,
Kancheepuram District.

4.The Public Prosecutor
High Court, Madras 104.

+1 CC to Mr.MA.P.Thangavel, Advocate sr 70156.

CrI.R.C.No.753 of 2019

PVS (CO)
SP(13/09/2019)



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