

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1488 of 2018

Syed Ali

.. Petitioner/Petitioner/Accused 2

Vs

State by:

The Inspector of Police,
Civil Supplies & Crime
Investigation Department,
Salem Town.

Crime No.50 of 2018

..Respondent/Respondent/Complainant

PRAYER: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, to set aside the order dated 01.11.2018 made in C.M.P.No.6921 of 2018 on the file of Judicial Magistrate No.II, Salem, by allowing this criminal revision.

For Petitioners : Mr.R.Marudhachalamurthy

For Respondents : Mr.R.Suryaprakash,
Government Advocate (Crl.side)

O R D E R

This revision has been filed against the order dated 01.11.2018 passed by the learned Judicial Magistrate No.II, Salem, in C.M.P.No.6921 of 2018.

2.The respondent filed the case against the petitioner and others under Section 4(1)(a) of Liquified Petroleum Gas (Regulation of Supply and Distribution) Order 2000 & 7(1)(a)(ii) Essential Commodities Act, 1955. After investigation filed the charge sheet. During the pendency, the first respondent has taken the confiscation proceedings in which the petitioner has filed the petition under Section 451 of Cr.P.C., in C.M.P.No.6921 of 2018 to return the interim custody of the vehicle. The learned Magistrate dismissed the petition.

Aggrieved by the same, the revision petitioner filed the present revision petition.

3.The learned counsel for the petitioner would submit that the respondent has not taken any steps, for initiating confiscation proceedings but the value of the vehicle is fixed at Rs.1,20,000/- by the competent authority, whereas the petitioner submits that the present value of the vehicle as on date is Rs.50,000/- and seeks for revaluation. In the meanwhile, the respondent refuses to handover the vehicle to the owner/revision petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent would submit that they initiated the confiscation proceedings and the revision petitioner has been shown as A2 in the charge sheet. Since A2 used the vehicle with domestic gas. As per the Act, the respondent police has initiated the confiscation proceedings. With regard to fixing the value of the vehicle, this Court finds there is perversity in finding the value of the vehicle.

5.The criminal revision is dismissed. However, the first respondent is directed to fix the value of the vehicle with expert and take a confiscation proceedings and complete the confiscation proceedings as early as possible provided within a period of three months from the date of receipt of a copy of this order. The revision petitioner is also directed to co-operate for the confiscation proceedings in the above said case.

6.The criminal revision petition is dismissed accordingly.

AT

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.II,
Salem.

2. Thro' The Chief Judicial Magistrate,
Salem.

3. The Inspector of Police,
Civil Supplies & Crime Investigation Department,
Salem Town.

+1cc to Mr.R.Maruchachalamurthy, Advocate,Sr.No.11600/19

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SSD (CO)
Kak (21/03/2019)



08.02.2019

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