



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13.08.2019

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.RC.(MD)No.163 of 2019

Selventhiran : Petitioner/Petitioner

Vs.

The State represented
by the Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
(Crime No.15 of 2019)

: Respondent/Respondent

Prayer: Criminal Revision has been filed under Section 399 r/w 401 of the Criminal Procedure Code, against the order passed in Cr.M.P.No.501 of 2019 in Crime 15 of 2019 on the file of the Judicial Magistrate No.II, Ramnad, dated 25.01.2019.

For Appellant : Mr.S.J.Chakkaravarthy

For Respondent : Mr.APG.Ohm Chairma Prabhu
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision has been filed against the order, dated 25.01.2019 passed in Cr.M.P.No.501 of 2019 in Crime No.15 of 2019 by the Judicial Magistrate No.II, Ramand.

2.The petitioner is the owner of the Hero Honda (TN-65-AD-6643) and that on 12.01.2019, while the respondent police conducted routine check up of the vehicle, at that time, the accused illegally carrying 99 Liquor bottles (180 ml) in the alleged vehicle of the petitioner and the respondent arrested the accused and seized the petitioner's vehicle and in this regard, a case stands registered in Crime No.15 of 2019 against the accused for the alleged offence under Section 4(1)(a) of the Tamil Nadu Prohibition Act. The petitioner approached the learned Judicial Magistrate No.II,

<https://hcservices.ecourts.gov.in/hcservices/>



Ramanathapuram by way of filing the petition seeking for return of the vehicle in Crl.M.P.No.501 of 2019. The learned Judicial Magistrate, dismissed the petition on 25.01.2019. Aggrieved by the said order, the petitioner is before this court.

3.Heard both sides and perused the materials available on record.

4.It is seen from the records that the respondent police seized the vehicle of the petitioner in connection with the case in Crime No.15 of 2019 for transportation of X-press Quarter Brandy Bottles (180 ml capacity) 99 Nos. During the course of investigation, the accused was released on bail on condition that he should appear before the Judicial Magistrate No.II, Ramanathapuram. The entire seized properties along with the alleged Hero Splendor two wheeler TN-65-AD-6643 have been handed over to the Additional Superintendent of Police, Prohibition Enforcement Wing, Ramanathapuram District, who is the confiscation authority. A show cause notice regarding the confiscation of the vehicle was sent to the petitioner, being the owner of the vehicle, by the Additional Superintendent of Police, Prohibition Enforcement Wing, Ramanathapuram District. After the receiving the said notice on 25.01.2019, the petitioner did not come forward to give any explanation.

5.It is also seen that the petitioner approached the Judicial Magistrate No.II, Ramanathapuram, by filing Crl.MP No.501 of 2019 seeking return of vehicle on the ground that if his vehicle is parked at police station, its mechanical parts will be damaged by the wind and rain and the exterior will fall out.

6.The learned Judicial Magistrate dismissed the said petition on 25.01.2019 alleging that already confiscation operation is over. In this case, the petitioner is well aware that the accused has been involved in the prohibition offence. If at all the incident occurred without the knowledge of the petitioner, he would have made a complaint in any one of the police stations alleging his vehicle found missing.

7.It is to be noted that in this case, after completion of the investigation, the case was charge sheeted on 12.01.2019 and yet to be taken on file. Further, the confiscation operation has already over and final order has been passed. If that being the position, if the seized vehicle is handed over to the petitioner, he will escape from the clutches of law.

8.For all the reasons stated above, this court is of the considered view that the impugned order passed by the trial court do not call for any interference by this court.



9. In the result, this Criminal Revision fails the same is **dismissed.**

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Sd/-

Assistant Registrar

Sub Assistant Registrar(CS)

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To,

1. The Judicial Magistrate No.II,
Ramanathapuram.

2. The Sub Inspector of Police,
Kennikarai Police Station,
Ramanathapuram District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.J, CHAKKARAVARTHY, Advocate (SR-81571[F] dated
14/08/2019)

Order made in
Crl.RC (MD) No.163 of 2019
13.08.2019

JMN(13.12.2019) 3P : 5C