



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.RC(MD)No.809 of 2019

M.Karthick

: Petitioner/Petitioner/
Owner of the Vehicle/Accused
Vs.

The Inspector of Police,
Prohibition Enforcement Wing,
Karur,

In Crime No.1086 of 2019

: Respondent/Respondent/Complainant

Prayer: This Criminal Revision has been filed under Sections 397 and 401 of Criminal Procedure Code, against the order, dated 12.09.2019 passed in C.M.P.No.3821 of 2019 by the Judicial Magistrate No.1, Karur.

For Petitioner : Mr.V.Karuna
For Respondent : Mr.APG Ohm Chairma Prabhu
Government Advocate
(Criminal side)

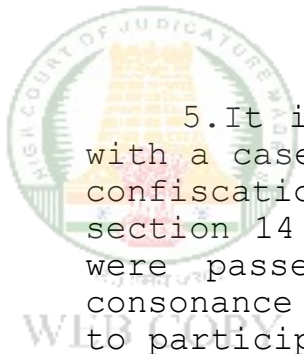
O R D E R

The petitioner claims to be the owner of the vehicle (Maruti Swift VXi BS IV) TN-47-AQ-2673 and the alleged vehicle was seized by the respondent police in connection with a case in Crime No.1086 of 2019 for the offence under section 4(1-A) TNP Act. The petitioner, being the lawful owner of the alleged vehicle, filed a petition in Cr.M.P.No.3821 of 2019 on the file of the Judicial Magistrate No.I, Karur, for interim custody. The said petition was dismissed on 12.09.2019. Challenging the said order, the petitioner is before this Court with this revision.

2.The learned counsel for the petitioner submitted that learned trial Judge has failed to ascertain the claim of the petitioner as only an interim arrangement as to the custody of the vehicle and prays for allowing the revision.

3.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the alleged vehicle was seized by the respondent in connection with a case in Crime No.1086 of 2019 for the alleged offence under section 4(1-A) TNP Act and in this case, confiscation proceedings were commence and final orders have been passed and prays for dismissal of the revision.

4.Heard the learned counsel appearing on either side and perused the materials available on record.



5.It is seen that the alleged vehicle was seized in connection with a case in Crime No.1086 of 2019 on 01.08.2019 and subsequently, confiscation proceedings were initiated for confiscation under section 14 of the Tamil Nadu Prohibition Act, 1937 and final orders were passed on 25.09.2019 directed the vehicle to be sold in consonance with the Act. Hence, it is always open to the petitioner to participate in the auction conducted by the Authorities under the Act.

6.In the decision reported in **2019 Supreme (SC) 890 (Mushala Vs. State of UP)**, it has been held that "if the seizure of the vehicle is done for the offences committed under the Special Act, then it is the Authorised Officer, who is vested with power under the Special Act can take decision regarding interim custody and not the regular Magistrate." In the case on hand, the vehicle has been seized for the offence under the Tamil Nadu Prohibition Act by the Additional Superintendent of Police, Prohibition Enforcement Wing, Karur.

7.Keeping in view of the above facts, this court is of the considered view that the impugned order passed by the court below does not call for any interference by this court.

8.In the result, this criminal revision fails and the same is dismissed.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate No.I, Karur.

2. The Inspector of Police,
Prohibition Enforcement Wing, Karur

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

+1 CC to Mr.V.KARUNA, Advocate (SR-103257[F] dated 04/12/2019)

Order made in
Crl.R.C(MD)No.809 of 2019
03.12.2019

MK (20.03.2020) 2P 5C

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