

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.RC.No.220 of 2020

V.Devi

... Petitioner

Vs.

The Inspector of Police,
Manavala Nagar Police Station,
Thiruvallur, Thiruvallur District.
Cr.No.299 of 2019.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C, to set aside the order passed in Cr.MP.No.7626 of 2019 in Cr.No.299 of 2019 on the file of the learned Judicial Magistrate No.II at Thiruvallur dated 13.01.2020 and to pass an order of interim custody of the Vehicle Maruthi Suzuki Baleno Alpha BIS IV (G-Grey Color) bearing Regn.No.TN-12-Y-0202 as seized under Cr.No.299 of 2019 on the file of the learned Judicial Magistrate No.II at Thiruvallur.

For Petitioner : Mr.P.Kumaresan

For Respondents : Mr.T.ShunmugaRajeswaran
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Petition has been filed against the order passed by the Judicial Magistrate No.2, Thiruvallur in Crl.MP.No.7626 of 2019 dated 13.01.2020.

2. The learned counsel for the petitioner has submitted that the respondent herein has registered a case in Crime No.299 of 2019 under Section 4(1) (a) r/w 4(1-A) TNP Act (Transporting). He further submitted that the respondent has also seized the petitioner's car bearing Regn.No.TN-12-Y-0202. Hence, the petitioner has filed a petition under Section 451 of Cr.P.C before the Judicial Magistrate No.2, Thiruvallur in Crl.MP.No.7626 of 2019 seeking interim custody, but, the learned Judicial Magistrate has dismissed the said petition stating that the vehicle was confiscated. He further submitted that the petitioner has received notice from the Deputy Superintendent of Police, Thiruvallur, in which, it is stated

that the petitioner has to show cause why the said vehicle should not be confiscated and after receipt of the said notice, the petitioner has sent her reply vide letter dated 08.10.2019 and thereafter no order has been passed, confiscating the said vehicle and therefore, he prayed to set aside the order passed by the learned Judicial Magistrate No.2 and direct the respondent to return the vehicle to the petitioner for interim custody.

3. Per contra, the learned Government Advocate (Crl.Side) has submitted that after seizing the vehicle, the respondent has produced the said vehicle before the Superintendent of Police, Thiruvallur District, requesting to confiscate the said vehicle. Accordingly, the Superintendent of Police, Thiruvallur District has sent a show cause notice to the petitioner and after getting reply from the petitioner, the Superintendent of Police, Thiruvallur by the order dated 11.01.2020 has confiscated the aforesaid vehicle. He also stated in the said order, the petitioner may file an appeal before the Sessions Court invoking the provisions of 14(5) of Tamil Nadu Prohibition Act and therefore, the petitioner has to file an appeal before the Sessions Court and instead of that, she cannot file revision before this Court.

4. A perusal of the order passed by the Superintendent of Police, Thiruvallur District dated 11.01.2020 shows that he has passed an order confiscating the petitioner's vehicle by invoking the provisions under Section 14(4) of Prohibition Act. In such a case, the petitioner has to file an appeal before the concerned Sessions Court by invoking the provisions of Section 14(5) of Tamil Nadu Prohibition Act. Instead of that, she cannot file revision before this Court.

5. For the aforesaid reasons, this Criminal Revision Petition is dismissed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

Vv

To

1. The Judicial Magistrate No.II,
Thiruvallur
2. The Inspector of Police,
Manavala Nagar Police Station,
Thiruvallur, Thiruvallur District.

3. The Public Prosecutor,
Madras High Court,
Chennai.

Cr1..RC.No.220 of 2020

GJI (CO)
GMY (13/03/2020)



WEB COPY