

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.3228 of 2020

Karthikeyan

...Petitioner

-Vs-

The State rep by
The Inspector of Police,
PEW Madurantakam Police,
Kancheepuram District.
Crime No.80 of 2019

... Respondent

Prayer:

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to issue a direction directing the respondent herein to produce the petitioner vehicle namely Santro (Hyundai) XG Car bearing registration no.TN 02 Q 5108 in view of the order dated 03.12.2019 passed by the learned District Munsif cum Judicial Magistrate, Uthiramerur in CMP No.2844 of 2019.

For Petitioner : Mr.G.Magesh Kumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent to produce the car bearing registration No.TN 02 Q 5108 as per the order passed by the District Munsif cum Judicial Magistrate, Uthiramerur in CMP No.2844 of 2019 dated 03.12.2019.

2. The learned counsel for the petitioner has submitted that the petitioner's car bearing registration No.TN 02 Q 5108 has been seized by the respondent for the alleged offences registered under the Tamilnadu Prohibition Act in Crime No.80 of 2019. He further submitted that the petitioner has filed an application in C.M.P.No.2844 of 2019 before the District Munsif cum Judicial Magistrate, Uthiramerur for seeking interim custody of the said car and in the said petition, the learned District Munsif cum Judicial Magistrate has passed an order on 03.12.2019, directing the respondent to produce the said car before the Court. But the respondent has not produced the said car before the concerned court.

3. The learned Additional Public Prosecutor has submitted that since the petitioner's car was involved in the Prohibition offences,

the said car was confiscated on 18.12.2019. He further submitted that with regard to the confiscation of the said car, the respondent has submitted a report to the concerned Magistrate on 19.12.2019 and hence the said car was not produced by the concerned Magistrate.

4. Since the vehicle has been confiscated under the Tamilnadu Prohibition Act, it is open to the petitioner to file an appeal before the Sessions Court as provided under section 14(5) of the Tamilnadu Prohibition Act and therefore this Court does not find any merit in this petition. Accordingly, this Criminal Original Petition is dismissed.

18.02.2020

Index : Yes/No
Internet : Yes/No
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To

1. The Inspector of Police,
PEW Madurantakam Police,
Kancheepuram District.
2. The Public Prosecutor,
High Court, Madras.

P.RAJAMANICKAM, J.

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