

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HON'BLE Mr. JUSTICE P.N. PRAKASH

CrI.R.C.No.662 of 2020

P.Senthilnathan,
S/o.Padmanaban,
No.4-B, 2nd Main road,
Lakshmipuram, Thiruninravur,
Poonamallee,
Tamil Nadu - 602 024.

...Petitioner

Vs.

State represented by
The Sub-Inspector of Police,
Vellakoil, Tiruppur,
Tamil Nadu - 638 111.

...Respondent

Criminal Revision filed under Section 397 r/w 401 Cr.P.C. seeking to set aside the order dated 04.06.2020 passed in CrI.M.P.No.1182 of 2020 on the file of the Judicial Magistrate Court, Kangayam.

For Petitioner : Mr.Naveen
for Mr.R.Krishna Kumar
For Respondents: Mrs.P.Kritika Kamal
Government Advocate
(CrI. Side)

O R D E R

This case is taken up through video conferencing.

2. This criminal revision has been filed seeking to set aside the order dated 04.06.2020 passed in CrI.M.P.No.1182 of 2020 on the file of the Judicial Magistrate Court, Kangayam.

3. The petitioner's vehicle was detained by the police in Crime No.211 of 2020 as it was involved in the transport of illicit liquor on 07.04.2020. The petitioner filed a petition in CrI.M.P.No.1182 of 2020 under Section 451 Cr.P.C. before the Judicial Magistrate Court, Kangayam, which was dismissed on 04.06.2020, on the short ground that the Additional Superintendent of Police, P.E.W., Tiruppur, has initiated

confiscation proceedings in C.No.10/VC/ADSP/PEW/TRP/2020 on 17.04.2020.

4. Challenging the same, the petitioner has preferred the present criminal revision petition.

5. Heard Mr.Naveen, learned representing counsel for Mr.R.Krishna Kumar, learned counsel on record for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) for the respondent/State.

6. The learned counsel for the petitioner submitted that a false case has been registered by the police and the petitioner's vehicle was not involved in the alleged offence.

7. The trial Court has rightly relied upon the judgment of the Division Bench of this Court in David Vs.Sakthivel¹, wherein, this Court has held that, when confiscation proceedings have commenced, the Court should not given interim custody under Section 451 Cr.P.C. mechanically.

8. In view of the above, this Court does not find any infirmity in the impugned order warranting interference.

As a result, this criminal revision petition is dismissed as being devoid of merits. It is open to the petitioner to participate in the confiscation proceedings and place his submission before the adjudicating authorities.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Kangeyam.

2. The Sub-Inspector of Police,
Vellakoil, Tiruppur,
Tamil Nadu - 638 111.

¹ 2010 (1) Law Weekly Cr1. 129

3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

+1cc to Mr.R.Krishnakumar, Advocate in SR no.26671

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NMI (CO)
RV (03/09/2020)



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