

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.12867 of 2020

Sulochana,
W/o. Loganathan,
No.1/238, Uppuliyar Thottam,
Kaliyampudhur,
Vijayapuri (CT),
Vijayamangalam,
Erode-638056.

...Petitioner/Petitioner/
Petitioner

Vs.

The State represented by
The Inspector of Police,
Dharapuram PEW Police Station,
Tiruppur District.
(Crime No.156 of 2020)

...Respondent/Respondent/
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set-aside the order dated 08.07.2020 made in C.R.P.No.04 of 2020 on the file of the Principal Sessions Judge, Tiruppur confirming the order dated 25.02.2020 made in C.M.P.No.204 of 2020 on the file of the District Munsif Cum Judicial Magistrate, Uthukuli by allowing this petition.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

This petition has been filed for challenging the order passed in C.R.P.No. 04 of 2020 dated 08.07.2020 on the file of the Principal Sessions Judge, Tiruppur, thereby confirming the order passed by the Learned District Munsif cum Judicial Magistrate, Uthukuli, in C.M.P.No.204 of 2020 dated 25.02.2020, thereby rejecting the application filed by the petitioner for returning of his vehicle under Section 451 & 457 Cr.P.C.

2.The learned counsel appearing for the petitioner would submit that both the Courts dismissed the cases only for the reason that the vehicle was involved in Crime No.156 of 2020,

and FIR was also registered for the offence under Section 4(1) (aa) of the Tamil Nadu Prohibition Act 1937, which came to be seized by the respondent and the confiscation proceedings have been initiated and the same is hereby pending for passing final orders. For the past five months the vehicle, is being exposed to the sunlight and rain. Even then, the competent authority did not pass any orders on the confiscation proceedings. Therefore, the petitioner sought for interim custody of the above said vehicle.

3.Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that already confiscation proceeding is initiated against the vehicle bearing registration No.TN 36 AL 0001, which was seized by the respondent in Crime No.156 of 2020 and registered the case for an offence under Section 4(1)(a) (a) Tamil Nadu Prohibition Act 1937. He further submitted that already show cause notice was issued on 13.02.2020 and the same was duly received by the petitioner and the petitioner also submitted his explanation to the same on 24.02.2020. Thereafter, it is pending for enquiry and the concerned competent authority could not be able to conduct an enquiry, in view of COVID-19 Pandemic circumstances. Now, the competitive Authority is about to complete the enquiry and pass final orders.

4.Considering the above submissions made by the learned Additional Public Prosecutor, that the confiscation proceedings is pending on the file of the Additional Superintendent of Police, Provision of Enforcement Wing, Tiruppur, in proceedings No. Na Ka N 09 in respect of the vehicle bearing registration No.TN 36 AL 0001, which was seized in Crime No.156 of 2020, the case registered for the offences under Section 4(1)(a) (a) Tamil Nadu Prohibition Act 1937, on the file of the respondent. In the light of the above, the Additional Superintendent of Police, Provision of Enforcement Wing, Tiruppur, is directed to complete the confiscation proceedings within a period of two weeks from the date of receipt of a copy of this order and pass final orders.

5.Accordingly, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Tiruppur
2. The District Munsif Cum Judicial Magistrate,
Uthukuli
3. The Additional Superintendent of Police,
Provision of Enforcement Wing, Tiruppur
4. The Inspector of Police,
Dharapuram PEW Police Station,
Tiruppur District.
5. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Guruprasad, Advocate in SR.NO..29610

CrI.O.P.No.12867 of 2020

SSD(CO)
RV(14/10/2020)



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