

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.09.2020

PRONOUNCED ON : 15.09.2020

CORAM

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

Crl.R.C.No.721 of 2020

R.Anbarasan

... Petitioner

Vs.

1.The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Tiruvallur District.

2.The Inspector of Police,
Tirutani Police Station,
Tiruvallur District.

... Respondents

Criminal Revision filed under Section 397 r/w 401 Cr.P.C. seeking to set aside the order dated 20.07.2020 passed in Crl.M.P.No.567 of 2020 on the file of the Judicial Magistrate Court, Tiruttani and consequently release the vehicle (S-Cross Smart Hybrid Zeta Car) bearing Registration No.TN-04-AU-9018 from the second respondent.

For Petitioner : Mr.N.Baskaran

For Respondent : Mrs.P.Kritika Kamal
Government Advocate
(Crl. 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 20.07.2020 passed in Crl.M.P.No.567 of 2020 on the file of the Judicial Magistrate Court, Tiruttani and consequently release the vehicle (S-Cross Smart Hybrid Zeta Car) bearing Registration No.TN-04-AU-9018 from the second respondent.

3. It is the case of the prosecution that during COVID-19 pandemic lock down, when prohibitory orders promulgated under Section 144 Cr.P.C. were in force, a vehicle (S-Cross Smart Hybrid Zeta Car) bearing Registration No.TN-04-AU-9018 was found plying near Periyakandambur on 16.05.2020 by the police. When the police signalled the vehicle to stop, it did not and so, the police chased the vehicle, intercepted it and found 22 brandy bottles and 10 beer bottles in it.

4. The police registered a case in Crime No.1388 of 2020 under Section 4 (1) (a) of the Tamil Nadu Prohibition Act, 1937 (for brevity "the TNP Act), against Anbarasan, petitioner herein and seized the vehicle and liquor bottles.

5. The petitioner filed a petition in CrI.M.P.No.567 of 2020 in Crime No.1388 of 2020 under Section 451 Cr.P.C. for return of the vehicle, which has been dismissed by the Judicial Magistrate Court, Tiruttani, on 20.07.2020, on the ground that, confiscation proceedings under the TNP Act has been initiated, aggrieved by which, the petitioner has preferred the present revision petition.

6. Heard Mr.N.Baskaran, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (CrI. Side) appearing for the respondent/State.

7. Mrs.P.Kritika Kamal, learned Government Advocate (CrI. Side) brought to the notice of this court that the Superintendent of Police, Thiruvallur District, has passed orders under Section 14(4) of the TNP Act on 31.08.2020, confiscating the vehicle.

8. The learned counsel for the petitioner fairly submitted that the petitioner would work out his remedy under Section 14(5) of the TNP Act before the Sessions Court, Thiruvallur.

Recording the same, this criminal revision petition is closed with liberty to the petitioner to approach the Sessions Court, Thiruvallur, under Section 14(5) of the TNP Act and on such appeal being filed by the petitioner, the said Court is directed to dispose of the same expeditiously.

Sd/-

Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

nsd

To

1.The Principal District and Sessions Judge,
Thiruvallur.

2.The Judicial Magistrate,
Tiruttani.

3. do- Through The Chief Judicial Magistrate,
Thiruvallur.

4.The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Tiruvallur District.

5.The Inspector of Police,
Tirutani Police Station,
Tiruvallur District.

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

+1cc to Mr.N.Baskaran, Advocate SR.No.29939

Cr1.R.C.No.721 of 2020

VG II (CO)

GMV (19/10/2020)