

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.13595 of 2020

Kamalakannan,
S/o.Kumar,
No.130, VM Street,
Royapettah,
Chennai-600 014.

...Petitioner

Vs.

The State represented by
The Station House Officer,
H8-Thiruvottriyur Police Station,
Chennai-600 019.
Crime No.3814 of 2020.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police to produce the properties confiscated in Crime No.3814 of 2020 viz., 1.Maruti Swift Car Registered No.TN 06 Q 5953, (Chassis No.MA3FHEB1S00939429, Engine No.D13A5141220) 2.Mobile Phone Vivo V11-Pro-Duel SIM model(Starry Night Black colour) IMEI No.8668409045872904 and 3. Cash Rs.14,100/- (Rupees Fourteen Thousand and One Hundred only) before the Judicial Magistrate, Thiruvottriyur for order of interim custody by the learned Judicial Magistrate, Thiruvottriyur, pending confiscation proceeding.

For Petitioner : Mr.T.Arunkumar

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed for a direction to the respondent police to produce the properties confiscated in Crime No.3814 of 2020 before the Judicial Magistrate, Thiruvottriyur.

2. The case of the prosecution is that while the respondent police is on vehicle check up, the petitioner was found in possession of some liquor bottles. Hence, the case was registered by the respondent police for the offence under sections 4(1)(A) @ 4(1)(a) of TN Prohibition Act in Crime No.3814 of 2020 dated 04.07.2020. The petitioner has sent a

petition dated 13.07.2020 seeking for return of the properties through email. This petition was not entertained by the Court below and therefore, the present Criminal Original Petition has been filed before this Court.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

4. The position of law has been clarified by this Court by the Judgment made in Muthu Vs. The District Collector, Puducherry and others in W.P(MD)No.19936 of 2017 etc., wherein this Court has given guidelines with regard to the manner in which the petition filed for return of vehicle should be entertained by the concerned Jurisdictional Court.

5. Considering the facts and circumstances of the case, this Court directs the respondent to deposit the properties viz., 1. Maruti Swift Car Registered No. TN 06 Q 5953, (Chassis No. MA3FHEB1S00939429, Engine No. D13A5141220) 2. Mobile Phone Vivo V11-Pro-Duel SIM model (Starry Night Black colour) IMEI No. 8668409045872904 and 3. Cash Rs. 14,100/- (Rupees Fourteen Thousand and One Hundred only) before the concerned Jurisdictional Magistrate Court within one week from the date of receipt of copy of this order. The petitioner is at liberty to file an appropriate petition before the concerned Jurisdictional Magistrate Court for return of vehicle. Further, on receipt of the said application if any filed by the petitioner, the Jurisdictional Magistrate concerned is directed to dispose of the said application within one week on merits and in accordance with law, from the date of receipt of a copy of this order.

6. With the above directions, this Criminal Original Petition is disposed of.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsn

To

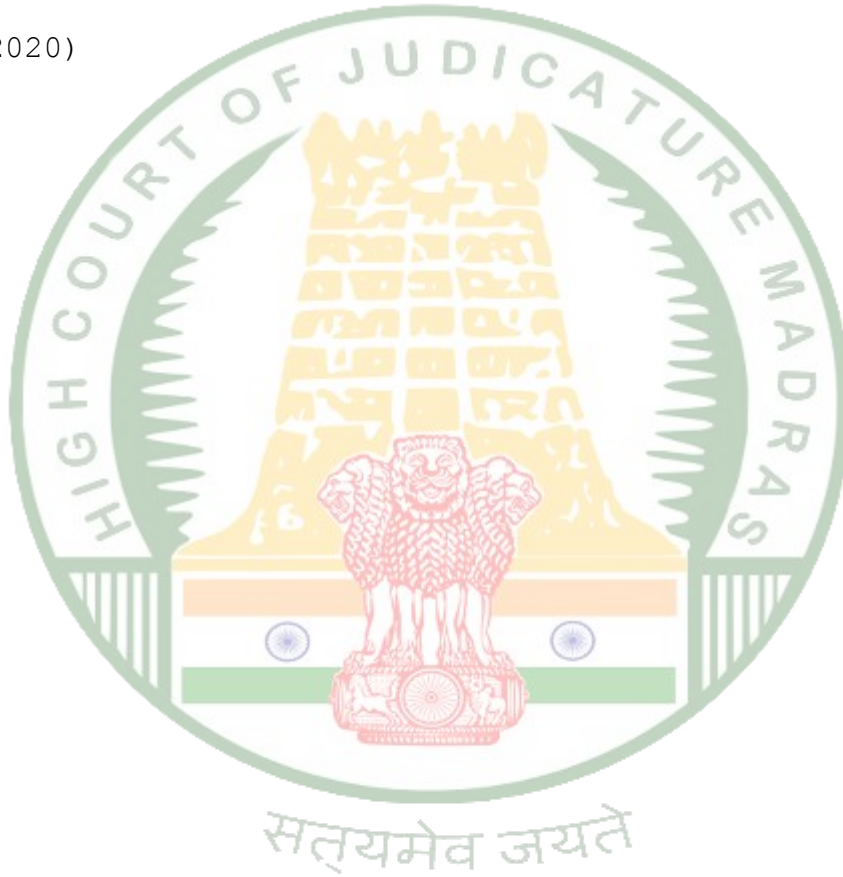
1. The learned Judicial Magistrate, Thiruvottriyur.

2.The Station House Officer,
H8-Thiruvottriyur Police Station,
Chennai-600 019.

3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.13595 of 2020

SPD(CO)
SP(07/10/2020)



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