

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.15264 of 2020

M.Purushothaman,
S/o.Mannan,
Door No.10, I Street, Gandhi Nagar,
Panchali Amman Koil Street,
Arumbakkam, Chennai - 600 106.

... Petitioner/Owner of the Vehicle

Vs.

State Rep by

1.The Deputy Superintendent of Police,
Civil Supplies CID,
Pattaravakkam, Ambattur,
Chennai.
CS CID Crime No.173 of 2020.

2.The Deputy Commissioner,
Civil Supplies & Consumer Protection Dept North,
Ezhilagam Buildings, Chennai. ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents herein to release of Ashok Leyland Tanker Lorry bearing Registration No.TN 02 BP 5265 along with the 20,000 Litres BSVI HSD (High Speed Diesel) seized by the 2nd respondent in Crime No.173 of 2020 to the Petitioner, for interim custody.

For Petitioner : Mr.L.Pachaiyappan

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed for direction directing the respondents to release of Ashok Leyland Tanker Lorry bearing Registration No.TN 02 BP 5265 along with the 20,000 Litres BSVI HSD (High Speed Diesel) seized by the 2nd respondent in Crime No.173 of 2020.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the Ashok Leyland Tanker Lorry bearing Registration No.TN 02 BP 5265. He is not an accused in Crime No.173 of 2020 registered on the

file of the 2nd respondent for the offence punishable under Section 2 (e) (II) of Motor Sprit and High Speed Diesel (Regulation of Supply and Distribution of Prevention of Malpractices) Order 1998 r/w Section 7 (i) (a) (ii) of the Essential Commodities Act 1955. The driver of the lorry and two others are arrayed as accused. As far as the petitioner is concerned, he is nothing to do with the offence committed by the accused persons. After seizing the lorry by the 2nd respondent, either produce before the Court concerned or confiscate in the manner known to law. Therefore, the petitioner prayed for direction directing the respondents to release his vehicle along with the 20,000 Litres BSVI HSD (High Speed Diesel).

3.The learned Additional Public Prosecutor submitted that though the petitioner is not an accused, the petitioner is the owner of the vehicle involved in Crime No.173 of 2020 registered under Section 2 (e) (II) of Motor Sprit and High Speed Diesel (Regulation of Supply and Distribution of Prevention of Malpractices) Order 1998 r/w Section 7 (i) (a) (ii) of the Essential Commodities Act 1955 in which there are totally three accused. Now, after seizing the vehicle now the confiscation proceedings have been initiated under Section 6 (A) of Essential Commodities Act, 1955. Therefore, sought for dismissal of this petition.

4.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents.

5.The petitioner is the owner of the lorry bearing Registration No.TN 02 BP 5265. According to the petitioner, he is not an accused and is nothing to do with the accused persons in Crime No.173 of 2020 for the offences punishable under Section 2 (e) (II) of Motor Sprit and High Speed Diesel (Regulation of Supply and Distribution of Prevention of Malpractices) Order 1998 r/w Section 7 (i) (a) (ii) of the Essential Commodities Act 1955. There are totally three accused in the said crime and the driver along with cleaner and another are arrayed as accused. The learned Additional Public Prosecutor submitted that after seizing the lorry from the accused confiscation proceedings have been initiated under Section 6(A) of the Essential Commodities Act, 1955. Therefore, this petition is devoid of merits and the same is dismissed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Deputy Superintendent of Police,
Civil Supplies CID,
Pattaravakkam, Ambattur,
Chennai.
CS CID Crime No.173 of 2020.
- 2.The Deputy Commissioner,
Civil Supplies & Consumer Protection Dept North,
Ezhilagam Buildings,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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GJ(CO)
GN(02/11/2020)