

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

Cr1.O.P.No.15934 of 2020

S.K.Kajavali

.. Petitioner

Vs.

State represented by,
Inspector of Police,
Siva Kanchi Police Station,
Kancheepuram District.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Judicial Magistrate No.1 at Kancheepuram to entertain the petition filed by the petitioner to release his vehicle MARUTI SUZUKI SWIFT bearing registration No.TN02 AJ 0632 in Crime No.3503 of 2020 and hand over the same to the petitioner.

For Petitioner : Mr. L.Ramu

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction to direct the learned Judicial Magistrate No.1, Kancheepuram to entertain the petition filed by the petitioner and to release the car bearing registration No.TN02-AJ-0632 which was recovered in connection with Crime No.3503 of 2020 pending on the file of the respondent police.

2. Heard Mr. L.Ramu, learned counsel for the petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor for the respondent.

3. Today when the petition came up for hearing, learned Additional Public Prosecutor for the respondent on instructions would submit that since the petition mentioned case has been registered for the offence punishable under section 4(1)(a) of Tamilnadu Prohibition Act. Under section 14(4) of the Tamil Nadu Prohibition Act, the recovered vehicle had sent to the

authorised officer for confiscation proceeding. The said submission is recorded.

4. In view of the above, since under section 14 of the Tamil Nadu Prohibition Act, the respondent police is entitled to initiate confiscation proceedings against the property which have been recovered during the time of confiscation. Hence, this Court is not in a position to pass any positive order in favour of the petitioner.

5. Accordingly, this petition is closed by granting liberty to the petitioner for challenging the confiscation proceedings.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Learned Judicial Magistrate No.I,
Kancheepuram.

2.The Inspector of Police,
Siva Kanchi Police Station,
Kancheepuram District.

3.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.15934 of 2020

AJS (CO)
RMP (11/11/2020)