

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.961 of 2020

Srinivasan

... Petitioner/
Appellant/Third party

Vs.

State represented by Inspector of Police,
Vellavedu Police Station,
Chennai.
(Cr.No.1095 of 2020).

... Respondent/
Respondent/Complainant

PRAYER: Criminal Revision is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the impugned order dated 09.10.2020 made in Crl.M.P.No.966 of 2020 in Crime No.1095 of 2020 passed by the learned Judicial Magistrate No.II, Poonamallee.

For Petitioner : Mr.R.Bhagavath Krishna
For Respondent : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

ORDER

The petitioner has filed a petition in Crl.M.P.No.966 of 2020 under Sections 451 and 457 of Cr.P.C., seeking interim custody of the vehicle bearing registration number TN 12 R 1397 Xylo Car, which was seized in Crime No.1095 of 2020, for offence under Sections 4(1)(a) of the Tamil Nadu Prohibition Act, 1937 (Transporting). The learned Judicial Magistrate No.II, Poonamallee, by order dated 09.10.2020, dismissed the petition, against which the present revision.

2.The gist of the case is that on 24.05.2020, the respondent Police on information were keeping surveillance in and around Vellavedu Bazaar. At about 05.30 p.m., one Pristinraj was driving the Xylo car bearing registration number TN 12 R 1397 in high speed, the Police stopped the vehicle and conducted search and found brandy and bear bottles. When the said Pristinraj was enquired, he informed that he was transporting the liquor to be sold at high rate. Hence, the said Pristinraj was arrested and the vehicle was seized and at 06.30 p.m., the FIR in Crime No.1095 of 2020 came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle viz., Xylo car bearing registration number TN 12 R 1397. The accused Pristinraj misused the vehicle, without the knowledge of the petitioner and committed the offence of transporting liquor. The petitioner is no way connected in this case and he did not involve in any manner in the alleged offence. The learned counsel further submitted that the seized vehicle is kept in open yard in the Police Station exposing to sunlight and rain, thereby the value of the vehicle would get diminished. The lower Court dismissed the petition for the reason that the seized vehicle was sent to District Superintendent of Police, Thiruvallur to take action under Section 4(1)(a) of the Tamil Nadu Prohibition Act, 1937 (Transporting) for confiscation proceedings.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the Xylo car bearing registration number TN 12 R 1397 was involved in the prohibition offence. The accused caught red handed while transporting the liquor in the vehicle and huge quantity of liquor were seized. The accused admitted the commission of offence and thereafter, he was arrested and the seized liquor were destroyed and the vehicle was seized. The Superintendent of Police, Thiruvallur is the authorised officer, who by order dated 19.10.2020 in Na.Ka.No.Con/292/fh/f-jpUts;Sh;-2020. had confiscated the vehicle and informed the petitioner's right to file appeal under Section 14(5) of the Tamil Nadu Prohibition Act. The copy of the order is produced.

5.On perusal of the materials placed before this Court, it is seen that the Superintendent of Police, Thiruvallur already confiscated the vehicle by his proceedings dated 19.10.2020 in Na.Ka.No.Con/292/fh/f-jpUts;Sh;-2020/

6.In view of the same, nothing survives in this revision and the same is, accordingly, dismissed. Now, the petitioner is reminded his right under Section 14(5) of the Tamil Nadu Prohibition Act, 1957 to prefer an appeal before the Court of Sessions, within a period of one month.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

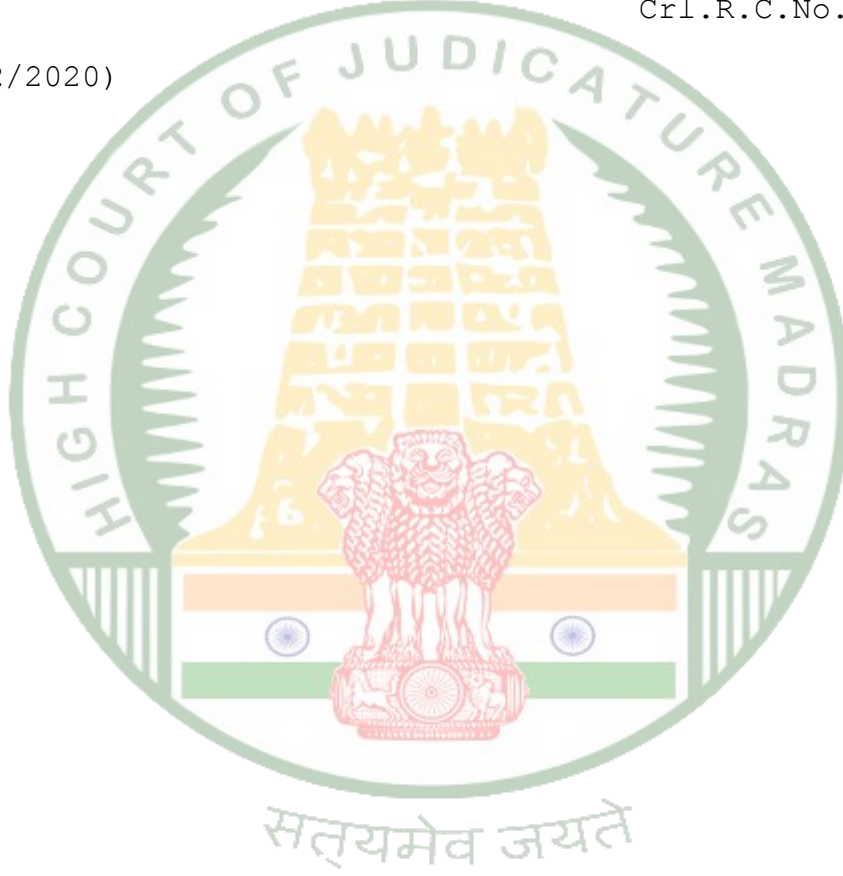
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To

1. The Judicial Magistrate No.II,
Poonamallee.
2. The Inspector of Police,
Vellavedu Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.961 of 2020

CO(PVS)
BDL (19/12/2020)



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