

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1058 of 2020

Aakash

S/o.Pazhanisamy

...Petitioner/Petitioner

Vs.

1. The Inspector of Police,  
Attur Police Station,  
Salem District. ....Respondent/Complainant

2. Manikandan  
S/o.Sadaiyan

3. Saravanan  
S/o.Irusappan ....Respondents/Accused

PRAYER: Criminal Revision Petition filed under Sections 397 r/w. 401 of the Code of Criminal Procedure, to call for the records in connection with the order passed by the learned Judicial Magistrate No.1, Attur in Crl.M.P.No.572/2020 dated 23.09.2020 and set aside the same and consequently to direct the respondent to return of Bajaj Pulsar two wheeler bearing Registration No.TN-77-L-3065 to the petitioner custody.

For Petitioner : Mr.S.Satheeshkumar

For Respondent : Mr.C.Raghavan

Government Advocate [for R1]

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सत्यमेव जयते  
O R D E R

The petitioner has filed this petition seeking return of vehicle, which is involved in Prohibition Offence.

2. On perusal of the lower Court order, it is seen that confiscation proceedings have been initiated and the vehicle has been seized. Learned Government Advocate submits that the Additional Superintendent of Police, Prohibition and Enforcement Wing, Salem, in Na.Ka.No.12 of 2020 by order dated 17.09.2020 had already confiscated the vehicle under Section 14 (4) of the Prohibition Act. Aggrieved, the petitioner has filed a petition before the Sessions Court seeking return of vehicle, which was dismissed.

3. Learned counsel for the petitioner submits that he is not aware of the confiscation proceedings and he may be given liberty to file an appeal challenging the confiscation proceedings.

4. In view of the above, the Criminal Revision Petition is disposed of with liberty to the petitioner to challenge the confiscation proceedings in Na.Ka.No.12 of 2020 order dated 17.09.2020, issued by the Additional Superintendent of Police, Prohibition and Enforcement Wing, Salem, before the Sessions Judge. Since the petitioner was not aware of the confiscation proceedings, the Sessions Judge may condone the delay in filing the appeal and thereafter, proceed with the appeal and decide on its own merits.

With the above observation, this petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Sessions Judge, Salem.
2. The Inspector of Police,  
Attur Police Station,  
Salem District.
3. The Additional Superintendent of Police,  
Prohibition and Enforcement wing Salem.
4. The Judicial Magistrate No.1,  
Attur.

+1cc to M/s.S.Satheeshkumar, Advocate, S.R.No.38030

Cr1.R.C.No.1058 of 2020

RLD(CO)  
RV(05/01/2021)