

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.12.2020
CORAM:
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR
CRL.RC.No.1123 of 2020

A.Rajamurugan
S/o.Arjunan

.. Petitioner

/versus/

State rep.by
Inspector of Police,
CSCID Wing,
Coimbatore District.
Crime No.211 of 2019

.. Respondent

Prayer: Criminal Revision Case filed under Sections 397 r/w 401 of the Code of Criminal Procedure, 1973 filed against the order dated 15.10.2020 made in C.M.P.No.154 of 2020 on the file of the Judicial Magistrate No.IV, Coimbatore.

For Petitioner : Mr.J.Ramkumar
For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Petition is filed against the the order dated 15.10.2020 made in C.M.P.No.154 of 2020 on the file of the Judicial Magistrate No.IV, Coimbatore.

2. The case of the prosecution is that on 05.12.2019, while on a routine checkup, the respondent Police found 46 bags of PDS rice and each bag contained 50 kgs of PDS Rice in a lorry bearing Registration No.TN 31 K 4599, which belongs to the petitioner herein. Thereafter, the respondent police registered a case in Crime No.211 of 2019 for the offence under Section 6 (4) TNSC(RDCS) order 1982, r/w 7(i)a(ii) of EC Act, 1955 and the vehicle was seized and handed over to the DRO, Coimbatore for confiscation proceedings. On completion of investigation, the charge sheet was filed and taken on file as C.C.No.908 of 2020.

3. The learned counsel appearing for the petitioner would submit that the the petitioner earlier moved C.M.P.No.154 of 2020 under Section 451 r/w 457 Cr.P.C for return of vehicle and the same came to be dismissed on 15.10.2020. He would further submit that the respondent had already completed the investigation, but the vehicle is kept in open air in the police station and therefore, the vehicle got damaged. Hence, this petition is filed by the petitioner to set aside the lower Court judgment.

4. The learned Additional Public Prosecutor would submit that the petition is not maintainable for the reason that the confiscation proceedings before the DRO, Coimbatore were completed and the District Revenue Officer in No.1287/2020/5 dated 29.10.2020 had issued an order to that effect and the lorry was confiscated. He would further submit that the materials involved in this case is 2300 kgs of PDS rice, which was found in the Lorry bearing Registration No.TN 31 K 4599. Hence, he opposed for return of vehicle.

5. Further, the learned counsel for the petitioner would submit that he had not known about the outcome of the confiscation proceedings order passed by the DRO Coimbatore, which has not been furnished to him. In view of the above, the respondent Police is directed to furnish the order of the confiscation proceedings to the petitioner herein. The petitioner is reminded that, as per law, he has got 30 days to file an appeal against the confiscation proceedings before the learned Principal Sessions Judge, Coimbatore.

6. Considering the rival submissions and on perusal of materials, it is seen that the vehicle has been seized and produced before the DRO, who had initiated confiscation proceedings and passed order to that effect. In view of the same, this Criminal Revision Petition cannot be entertained and therefore, the above petition is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssb

To:

1. Inspector of Police,
CSCID Wing,
Coimbatore District.

2. Judicial Magistrate No.IV, Coimbatore.

3. The Principal Sessions Judge, Coimbatore

CRL.RC.No.1123 of 2020

SRI (CO)
GSP (15/12/2020)