



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 06.07.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.309 of 2020

WEB COPY
Veerasekar

... Petitioner/Petitioner

Vs.

State Rep. By
The Inspector of Police,
Mimisal Police Station,
Pudukkottai District.
(Crime No.10 of 2020)

... Respondent/Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records relating to the order passed in Cr.M.P.No.265 of 2020 in Crime No.10 of 2020 on the file of the learned Judicial Magistrate, Aranthangi dated 03.03.2020, set aside the same and consequently direct the learned trial Court to return the vehicle bearing Regn. No.TN-74-AA-1530 to the petitioner herein.

For Petitioner	: Mr.M.Suresh
For Respondent	: Mr.K.Dinesh Babu, Additional Public Prosecutor

ORDER

This revision has been filed to set aside the order passed in Cr.M.P.No.265 of 2020, in Crime No.10 of 2020, dated 03.03.2020, on the file of the learned Judicial Magistrate, Aranthangi to grant interim custody of vehicle bearing Registration No.TN-74-AA-1530 to the petitioner.

2.On the side of the petitioner, it is stated that the petitioner is not an accused, he is only the owner of the vehicle. No notice was issued to the petitioner for confiscation of the vehicle. It is stated that confiscation proceedings is not a bar to release the vehicle.

3.The learned Additional Public Prosecutor would submit that the vehicle was used for transferring 320 liquor bottles and the Government is going to initiate auction proceedings for confiscation.

4.In view of the above submissions, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate, Aranthangi in Cr.M.P.No.265 of 2020 is set aside and the learned Magistrate is directed to return the vehicle to the petitioner for



interim custody subject to the confiscation proceedings on the following conditions:

(i)The petitioner shall deposit the original Registration Certificate of the vehicle with the learned Judicial Magistrate, Aranthangi;

(ii)The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.10 of 2020 on the file of the learned Judicial Magistrate, Aranthangi within a period of two weeks from the date of receipt of a copy of this order;

(iii)The petitioner shall not alienate and shall not make any alteration in the vehicle;

(iv)The petitioner shall produce the vehicle before the Court and before the respondent as and when required and this order is subject to the final order to be passed in the confiscation proceedings.

5.The authority under the Tamil Nadu Prohibition Act may proceed with the confiscation proceedings and the petitioner shall obey any order that may be passed in the said proceeding by the authority.

Sd/-

Deputy Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Judicial Magistrate, Aranthangi.

2.The Inspector of Police,
Mimisal Police Station,Pudukkotai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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