



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) No.5606 of 2020

M.Murugesan

... Petitioner

Vs

The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
Cr.No.650/2020

... Respondent

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondent police to release the petitioner's car bearing Registration No.TN 13 R 7261 from the custody of the respondent police after verifying the relevant documents.

For Petitioner	: Mr.J.Jeyakumaran
For Respondent	: Mr.A.Robinson
	Government Advocate (Crl.side)

ORDER

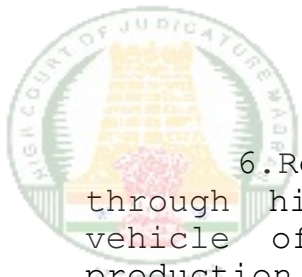
Heard the learned counsel on either side.

2.The petition mentioned vehicle was seized by the police in connection with Crime No.650 of 2020 registered on the file of the respondent. The case was registered for the offence under Section 4 (1)(a) of Tamil Nadu Prohibition Act.

3.The learned Government Advocate (Crl.side) states that since this is a prohibition offence, they have the power to confiscate the vehicle itself.

4.I of-course must concede the entitlement of the respondent to initiate confiscation proceedings. The question is whether the respondent should retain the custody of the vehicle till the confiscation proceedings are over. Therefore, I am of the view that keeping the vehicle in the custody of the respondent is not going to serve any purpose.

5.The petitioner through his counsel gives an undertaking that the petitioner will produce the vehicle before the jurisdictional Magistrate as and when required and that he will not alienate the same without getting further orders from the jurisdictional Magistrate Court. It is made clear that if the petitioner breaches this undertaking, he will be dealt with severely. I will not hesitate to initiate proceedings even for contempt of Court against the petitioner.



6. Recording the aforesaid undertaking of the petitioner given through his counsel, the respondent is directed to return the vehicle of the petitioner forthwith and without any delay on production of a soft copy of this order. I make it clear that I have not gone into the merits of the matter. It is of-course open to the petitioner herein to contest the criminal case as well as the confiscation proceedings on their own merits. This Criminal Original Petition is allowed on these terms.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

rmi

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 Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr. J. JEYAKUMARAN, Advocate (SR-13006[F] dated 01/06/2020)

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VB(02.06.2020) 2P 4C