



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 17.09.2020

CORAM

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.500 of 2020

Satheesh Kumar

.. Petitioner /Petitioner

Vs.

State rep. By,
The Sub Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District.
In Crime No.148 of 2019

.. Respondent /Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to set aside the order passed by the learned Judicial Magistrate No.II, Virudhunagar in Crl.M.P.No.4321 of 2019 dated 11.07.2019.

For Petitioner

: Mr.M.Jothibas

For Respondent

: Mrs.Anandha Devi

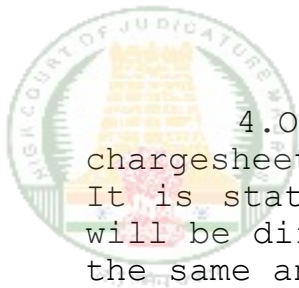
Government Advocate

ORDER

This petition has been filed to set aside the order in Crl.M.P.No.4321 of 2019 dated 11.07.2019, on the file of the learned Judicial Magistrate No.II, Virudhunagar

2.A vehicle (Hero Glamour) bearing registration No.TN-67-BD-7821 and a sum of Rs.1,27,500/- (Rupees One Lakh Twenty Seven Thousand and Five Hundred only) were seized by the Police. A case in Crime No.148 of 2019 was registered under Sections 4(1)(a) and 4(1)(i) of Tamil Nadu Prohibition Act. The petitioner has filed a petition in Crl.M.P.No.4321 of 2019 for return of the property before the learned Judicial Magistrate No.II, Virudhunagar. The petition was partly allowed by returning the vehicle to the petitioner but the petition was dismissed against the return cash recovered from the petitioner. Against which, the petitioner preferred this revision petition.

3.On the side of the petitioner, it is stated that the amount involved is not sale proceeds of the liquor. It is stated that the amount was taken for the marriage of his relative and prayed the amount to be returned to the petitioner.



4. On the side of the respondent, it is stated that chargesheet was filed and was taken on file as S.T.C.No.495 of 2020. It is stated that if the amount is refunded to the petitioner, it will be difficult for the respondent and for the Court to confiscate the same and prayed the petition to be dismissed.

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5. It is seen that chargesheet was filed and was taken on file as S.T.C.No.495 of 2020. In the above circumstances, the Criminal Revision Case is dismissed with a direction that the case in S.T.C.No.495 of 2020 is to be disposed of within a period of three months from the date of receipt of copy of this order. The Registry is directed to send copy of this order to the concerned Judicial Magistrate.

Sd/-

Assistant Registrar (CS-II)

// 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 Sub Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Judicial Magistrate No.II,
Virudhunagar.

+1 CC to Mr.M. JOTHI BASU, Advocate (SR-17339[F] dated 18/09/2020)

Crl. R.C.(MD)No.500 of 2020
17.09.2020

VB (28.09.2020) 2P 5C