

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.1071 of 2021

Rajkumar

... Petitioner

Vs.

State Represented by its
Sub Inspector of Police,
Ethappur Police Station,
Salem District.

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to directing the respondent to return the vehicle of the petitioner forthwith bearing registration No.TN-77-L-5385 (Suzuki S Cross Car) seized by the respondent concerned in Crime No.162 of 2020 based on the order passed in C.M.P No.447 of 2020 on the file of Judicial Magistrate Court I, Attur dated 26.06.2020.

For Petitioner

: Mr.C.Prabakaran

For Respondent

: Mr.M.Mohammed Riyaz

Additional Public Prosecutor

This Criminal Original Petition has been filed for direction to the respondent police to return the vehicle that was seized from the petitioner in the course of investigation in Crime No.162 of 2020.

2. It is seen from records that an order was passed by the learned Magistrate on 26.06.2020, directing for return of vehicle to the petitioner subject to certain conditions. The grievance of the petitioner is that even thereafter, the vehicle was not handed over to the petitioner and a contempt notice was also issued to the respondent police. In the meantime, the confiscation order came to be passed on 20.11.2020 and the vehicle has been confiscated by the Government under Section 14(4) of the Tamil Nadu Prohibition Act.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

4. In the considered view of this Court, once a confiscation order is passed by the competent authority, the vehicle is vested with the Government and the Government becomes the owner of the

property and the only option left with the petitioner would be to challenge the confiscation order and work out his remedy in accordance with law.

5. In view of the subsequent development, the relief claimed by the petitioner cannot be granted by this Court and it is left open to the petitioner to work out his remedy in accordance with law.

6. This Criminal Original Petition is disposed of accordingly.

27.01.2021

Speaking Order/Non-speaking Order

Index :Yes/No

Internet:Yes/No

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सत्यमेव जयते

To

1. State Represented by its
Sub Inspector of Police,
Ethappur Police Station,
Salem District.

2.The Public Prosecutor,
Madras High Court,
Chennai.

N.ANAND VENKATESH,J.

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