



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2021

Coram

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.No.7064 of 2016 &
Crl.M.P.No.3690 of 2016

Kavitha

...Petitioner

Vs.

1. The State of Tamilnadu,
rep. by the Additional Superintendent of Police,
Prohibition Enforcement Wing, Tiruppur District.
2. The Inspector of Police,
Prohibition Enforcement Wing,
Dharapuram, Tiruppur.
3. R.Pandiarajan,
The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Tiruppur District.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. seeking to call for the records on the file of the first respondent in Na.Ka. No.03/ PA.MU/ KOO.KAA.Ka/ MA.V/ Tiruppur/ 2016 dated 04.03.2016 and quash the same.

For petitioner : Mr.Jayalakshman
for Mr.S.Selvathirumurugan

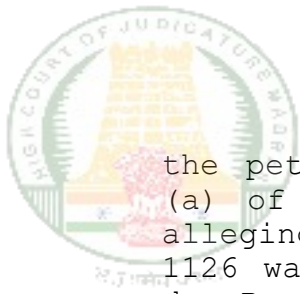
For respondent : Mr.E.Raj Thilak,
Counsel for Government (Crl. side)

ORDER

This petition has been filed seeking to call for the records on the file of the first respondent in Na.Ka. No.03/ PA.MU/ KOO.KAA.Ka/ MA.V/ Tiruppur/ 2016 dated 04.03.2016 and quash the same.

2. The brief contentions of the petitioner is as follows:

A case was registered in Crime No.48/2016 against two persons namely P.Shanmugam -A1 and Gopalakrishnan-A2 (husband of



the petitioner) for the offences punishable under Section 4(1) (a) of the Tamilnadu Prohibition Act by the respondent police alleging that when the 407 van bearing registration No.TN39H 1126 was intercepted by the police, it was found that 96 Honey day Brandy Bottles were inside the vehicle. After investigation, charge sheet was filed by the respondent police before the Judicial Magistrate, Dharapuram on 24.01.2016, and it was taken on file on 8.2.2016. The petitioner has filed a petition in CMP No.433/2016 before the Judicial Magistrate for interim custody of the said vehicle and it was allowed on 26.02.2016 with some conditions and the respondent police was also directed to reproduce the vehicle within 7 days from the date of order. The petitioner has complied all the conditions as imposed by the magistrate, however, the respondent police had not produced the vehicle before the Court, as per the court order, that too had passed the impugned order dated 04.03.2016, confiscating the vehicle. Hence this writ petition.

3. The learned counsel appearing respondent police submitted that, the respondent police had filed a Criminal Revision Petition in CrI.R.C.No.10/2016, challenging the order dated 26.02.2016 passed by the Judicial Magistrate, in CMP No.433 of 2016 and that revision petition was dismissed on 30.01.2017, confirming the order passed by the Judicial Magistrate. To that effect, the order copy was also placed before this court.

4. In view of the above submission, nothing survives for further adjudication in this petition.

5. Accordingly, this criminal original petition is dismissed as infructuous. Consequently, connected criminal miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Additional Superintendant of Police,
The State of Tamilnadu,
Prohibition Enforcement Wing,
Tiruppur District.



2. The Inspector of Police,
Prohibition Enforcement Wing,
Dharapuram, Tiruppur.

WEB COPY

3. The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Tiruppur District.

Crl.O.P.No.7064 of 2016

PCH[co]
NSK 01/09/2021