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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.485 of 2021

Nowshathbegum

...Petitioner

..VS..

The Inspector of Police,
Prohibition Enforcement Wing,
Uthankarai,
Krishnakiri District.

...Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the order dated 13.07.2021 made in CrI.M.P.No.1373 of 2021 on the file of the District Munsif-cum-Judicial Magistrate, Pochampalli and consequently direct the respondent police to return the petitioner vehicle bearing Registration No.TN-15-U-9850, Engine No.JJG4k83273, Chasis No.MAIYA2JJKG2K35519 (Silver Color) Xylo Car, by allowing the Criminal Revision Petition.

For Petitioner : Mr.V.Gunasekar

For Respondent : Mr.S.Sugendran
Government Advocate (CrI.Side)

O R D E R

By consent of the learned counsel on either side, the matter is taken up today, for final disposal at the admission stage itself.

2. This Criminal Revision Case has been filed against order dated 13.07.2021 passed in CrI.M.P.No.1373 of 2021 by the learned District Munsif-cum-Judicial Magistrate, Pochampalli.

3.The case of the prosecution is that on 31.05.2021, when the respondent police was on patrol duty, based on the information, they intercepted the vehicle viz., XYLO CAR (Silver Color), bearing Registration No.TN-15-U-9850, Engine No.JJG4k83273, Chasis No.MAIYA2JJKG2K35519 and found 336 packets of Karnataka State IMFL, during Corona Lock down period. Hence, the respondent police registered a case in Crime No.238 of 2021



against the petitioner for the offence under Section 4(1)(a) of TNP Act and seized the vehicle.

4. The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and he is in no way connected with the alleged offence. Therefore, the petitioner seeks interim custody of the said vehicle and that he would abide by stringent conditions, if any, to be imposed on him.

5. The learned Government Advocate (Crl.Side) for the respondent would submit that investigation is pending, charge sheet has not yet been filed and confiscation proceedings also initiated and hence the vehicle in question cannot be released at this stage.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and also perused the materials available on record.

7. Admittedly, the alleged vehicle has been used for illegal transportation of 336 packets of Karnataka State IMFL and the investigation is pending, charge sheet has not yet been filed, the vehicle in question has not been produced before the Court below and the confiscation proceedings has already been initiated. During the pendency of the investigation, the release of the vehicle is purely the discretionary power of the Court below. Therefore, the learned Judge by exercising the discretionary jurisdiction has dismissed the petition filed by the petitioner. This Court, while exercising the revisional jurisdiction cannot conduct roving enquiry at this stage.

8. In view of the above, this Court does not find any perversity or infirmity in the order passed by the Court below. Accordingly, this Criminal Revision case is dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsif-cum-Judicial Magistrate,
Pochampalli.
2. -do- through The Chief Judicial Magistrate,
Krishnakiri.



3. The Inspector of Police,
Prohibition Enforcement Wing,
Uthankarai,
Krishnakiri District.

4. The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.485 of 2021

BR[co]
NSK 13/09/2021