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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRIMINAL REVISION CASE NO.501 OF 2021

D.R.Vinoth

...Revisioner Petitioner

Versus

State Rep.by
The Inspector of Police,
Uthukottai Police Station,
Thiruvallur District,
Crime No.459 of 2021.

... Respondent

Criminal Revision Case filed under Section 397 r/w 401 Criminal Procedure Code, to set aside the order dated 04.08.2021 passed in C.M.P.No. 1747 of 2021 by the learned District Munsif-cum-Judicial Magistrate, Uthukottai and allow the above Criminal Revision.

For Petitioner : Mr.M.Aswin

For Respondent : Mr.S.Sugendran
Government Advocate (Crl.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 the order dated 04.08.2021 passed in CM.P.No.1747 of 2021 by the learned District Munsif-cum-Judicial Magistrate, Uthukottai.

3.It is the case of the petitioner that the respondent police registered a case in Crime No.459 of 2021 against the petitioner for the offence under Section 4(1) (a) of Tamil Nadu Prohibition Act and seized the vehicle viz., MAHENDRA THAR JEEP bearing Reg.No.TN-11-AM-3073, Engine No.BUK4A95979 and Chasis No.MA1SL4BUNK2A87476. The petitioner filed a petition in C.M.P.No.1747 of 2021 under Sections 451 and 457 Cr.P.C seeking



interim custody of the vehicle. The learned District Munsif-cum-Judicial Magistrate, Uthukottai by an order, dated 04.08.2021 dismissed the petition, against which, the petitioner has come forward with the present Criminal Revision Case.

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4.The case of the prosecution is that on 06.06.2021 at about 7.30 p.m when the respondent/police was in surveillance to prevent the sale of illicit liquor at Uthukottai, Chetti Street, Goiyathoppu, while they were checking the vehicles near Uthukottai Anna Silai, they intercepted MAHENDRA THAR JEEP bearing Reg.No.TN-11-AM-3073, on suspicion, they searched the vehicle and found Andhra Pradesh Liquor bottles viz., 180ml of GOOD FRIENDS WHISKY bottles Nos.111 and GREEN CHOISE WHISKY bottles Nos.39 and hence, the case in Crime No.459 of 2021 was registered against the petitioner for the offence under Section 4(1) (a) of Tamil Nadu Prohibition, Act, 1937 and seized the above said vehicle.

5.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, he seeks interim custody of the said vehicle and that the petitioner would abide by stringent conditions, if any, to be imposed on him.

6.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that since the petitioner was alleged to have used the said vehicle for illegal transportation of liquor bottles and confiscation proceedings initiated and hence, the vehicle in question cannot be released at this stage.

7.This Court considered the rival submissions and perused the materials available on record.

8.On a perusal of records, it is seen that the respondent police registered the case in Crime No.459 of 2021 against the petitioner for the offence under Section 4(1) (a) of Tamil Nadu Prohibition, Act, 1937 and also seized the vehicle. Pending investigation, the petitioner filed a petition for interim custody of the vehicle, however, the same was dismissed by the Court below.

9.Considering the facts and circumstances of the case and that the vehicle is kept in the open space and exposed to heat, rain and dust and also considering the fact that the Government itself is doing business of selling alcohol through TASMAL Shops, it is very easy for the public to access the subject matter liquor, this Court directs the learned District Munsif-cum-Judicial Magistrate, Uthukottai to return the vehicle MAHENDRA THAR JEEP bearing Reg.No.TN-11-AM-3073, to the



petitioner, on the following conditions:-

(i) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Magistrate, on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicle;

(ii) The petitioner shall not alter or alienate the vehicle in any manner till confiscation proceedings is over;

(iii) The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), as non-refundable deposit through RTGS/NEFT in favour of the Joint Secretary & Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, e-mail: jscmprf@tn.gov.in or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and on such payment and production of proof, the vehicle shall be returned;

(iv) The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent or the Court below as well as by the District Collector of the District or authorized officer in that behalf by the Government;

(v) The petitioner shall participate in the confiscation proceedings, if any initiated, and shall produce the vehicle, before the confiscation authority. This order is subjected to the confiscation proceedings.

10. With the above directions, the Criminal Revision Case is allowed by setting aside the order passed in C.M.P.No.1747 of 2021, dated 04.08.2021 by the learned District Munsif-cum-Judicial Magistrate, Uthukottai.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ms/jeni

To

1. The District Munsif-cum-Judicial Magistrate,
Uthukottai.



2.The Inspector of Police,
Uthukottai Police Station,
Thiruvallur District.

3.The Public Prosecutor, (Crl.side)
High Court, Madras.

Copy To

The Joint Secretary,
Treasurer, Chief Minister's
Public Relief Fund, Finance
(CMPRF) Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.

+1cc to Mr.M.Aswin, Advocate, S.R.No.42738

Crl.R.C.No.501 of 2021

SRA(CO)
PM/16/09/2021