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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.16633 OF 2021

Karthik

... Petitioner

Vs.

The State Rep.by
The Inspector of Police
P.E.W.Perur Police Station
Coimbatore District.
Crime No.973 of 2021

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to release the vehicle bearing Reg.No.TN-41 AX-1751 Honda Dio DLX based on the order passed by the learned Judicial Magistrate Court No.II, Pollachi in CrI.M.P.No.3314 of 2021 dated 07.08.2021.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent to release the vehicle bearing Reg.No.TN-41 AX-1751 Honda Dio DLX based on the order passed by the learned Judicial Magistrate Court No.II, Pollachi in CrI.M.P.No.3314 of 2021 dated 07.08.2021.

2. The petitioner is the owner of the vehicle bearing Reg. No.TN-41 AX-1751 Honda Dio DLX and he has filed his petition to release the said vehicle.



WEB COUNTER

3. The contention of the petitioner is that the petitioner's vehicle was seized by the respondent Police in Crime No.973 of 2021 for the offence under Sections 4(1) (a) of the Tamil Nadu Prohibition Act (Transportation). He further submitted that though the petitioner is not the accused in this case, the vehicle has been falsely seized. Hence, he filed the return of property petition in CrI.M.P.No.3314 of 2021 and the trial Court by the order dated 07.08.2021, directed to produce the said vehicle. Thereafter, the petitioner had executed the surety, as per the condition, on 10.08.2021. Even thereafter, the second respondent has not handed over the vehicle to the petitioner.

4. The learned Additional Public Prosecutor submitted that the vehicle is subject to confiscation proceedings initiated by the Assistant Commissioner of Police, Coimbatore in C.No.105/ADSP/cwc/ veh.com/cbe/2021. The notice of confiscation has been issued to the petitioner on 08.08.2021 and the acknowledgment is produced. Thereafter, now the vehicle is under confiscation proceedings. In view of the same, the vehicle could not be handed over to the petitioner and it is for the petitioner to participate in the confiscation proceedings and seek return of vehicle.

5. In view of the same, since the notice of confiscation proceedings was served to the petitioner on 08.08.2021, this Court directs the petitioner to approach the confiscation Authority and participate in the confiscation proceedings and seek return of vehicle. Before the final order is passed in the confiscation proceedings, an opportunity of hearing is given to the petitioner by the confiscation Authority.

6. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

dna



To

1. The Judicial Magistrate Court No.II,
Pollachi.

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2. The Inspector of Police,
P.E.W.Perur Police Station,
Coimbatore District.

3. The Public Prosecutor
High Court, Madras.

CRL.O.P.No.16633 of 2021

JPL(CO)
RLP(13/10/2021)