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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.16688 OF 2021

Muruganantham

... Petitioner

Versus

The State rep.by
The Inspector of Police,
P.E.W.Perur Police Station,
Coimbatore District.
(Crime No-974/2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to release the vehicle bearing Register No.TN-41-AW-1912 YAMAHA RAY based on the order passed by the Learned Judicial Magistrate Court No-II, Pollachi in CrI.M.P.No.3313 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 Register No.TN-41-AW-1912 YAMAHA RAY based on the order passed by the Learned Judicial Magistrate Court No-II, Pollachi in CrI.M.P.No.3313 of 2021 dated 07.08.2021.



2. The petitioner is the owner of the vehicle bearing Reg No. TN-41-AW-1912 YAMAHA RAY and he has filed his petition to release the said vehicle.

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3. The contention of the petitioner is that the petitioner's vehicle was seized by the respondent Police in Crime No.974 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 accused in this case, the vehicle has been falsely seized in this case. 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 has submitted that the petitioner refused to receive the notice of the confiscation Authority. Thereafter in presence of the Village Assistant one Thangavel, service of notice was completed.

5. The learned Government Advocate (CrI.Side) further submitted that the vehicle is subject to confiscation proceedings initiated by the Assistant Commissioner of Police, Coimbatore in C.No.106/ADSP/cwc/ veh.com/CBE/2021. The notice of confiscation was issued to the petitioner on 08.08.2021. 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.

6. In view of the same, since the notice of confiscation proceedings was served to the petitioner, this Court directs the petitioner to approach the confiscation Authority and participate in the confiscation proceedings and seeks 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.



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

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Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

dna

To

1. The Judicial Magistrate Court No.II,
Pollachi.
2. The Inspector of Police,
P.E.W.Perur Police Station,
Coimbatore District.
3. The Public Prosecutor
High Court, Madras.

CRL.O.P.No.16688 of 2021

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