



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.16510 of 2021

Ranjithkumar.

...Petitioner

Versus

The Inspector of Police,
Namagiripettai Police Station,
Namakkal District.
Crime No.576 of 2021.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 16.08.2021 made in C.M.P.No.1159 of 2021 on the file of the Judicial Magistrate Court, Rasipuram, by allowing this criminal original petition.

For Petitioner : Mr.R.Prabakar.

For Respondent : Mr.A.Damodharan,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to set aside the order dated 16.08.2021 made in Crl.M.P.No.1159 of 2021.

2. The learned counsel for the petitioner submitted that the petitioner, who is the owner of the Maruti Baleno car, bearing temporary Registration No.TN2021-TR-1647D has filed this petition seeking direction to set aside the order of the Judicial Magistrate Court, Rasipuram in C.M.P.No.1159 of 2021 dated 16.08.2021.

3. The contention of the petitioner is that admittedly the petitioner is not an accused in Crime No.576 of 2021. A prohibition case has been registered by the respondent police on the arrest of one Suresh on 10.06.2021, who was found in illegal possession of liquor bottles in the petitioner's car. The petitioner had earlier filed a return of vehicle petition before the lower court. When the same was pending before the lower court, the respondent police has initiated the confiscation proceedings and recording the same, the lower court had closed the petition.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that in this case, the petitioner's vehicle was used for transportation of liquor bottles. The vehicle was apprehended during the road check and the driver of the vehicle Suresh admitted that he illegally kept the silver cup brandy bottles. Thereafter he was arrested and the property was seized as per the Section 14 (4) of TN Prohibition Act, confiscation proceedings were initiated in ந.க.எண்.32.கட.கா.க/பறிமுதல்/2021 dated 25.07.2021. The petitioner was also served notice to the confiscation proceedings on 31.07.2021. In the mean while, the lower Court was informed about confiscation proceedings, recording the same, the lower court directed the petitioner to approach the appropriate forum i.e. confiscation authorities.

5. Considering the submissions, and the fact that already confiscation proceedings had been initiated, and the petitioner is also served with the notice, the petitioner to make all his objections and seek return of the vehicle before the confiscation authority and Confiscation authority to consider the application and dispose the petitioner's claim within a period of two months from the date of the filing return of vehicle petition.

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

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Inspector of Police,
Namagiripettai Police Station,
Namakkal District.

2. The Judicial Magistrate, Rasipuram.

3. The Public Prosecutor, High Court, Madras.

+1cc to Mr.R.Prabakar, Advocate, S.R.No.48006

CRL.O.P.No.16510 of 2021

SV-I(CO)

RGA(04/10/2021)