



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.562 of 2021

Mrs.Kabeera Barveen

... Petitioner

Versus

The State Rep. by
The Sub Inspector of Police,
C1- Uthukottai Police Station,
Thiruvallur,
Crime No.295 of 2021.

... Respondent

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records in Crl.M.P.No.1724 of 2021 in Crime No.295 of 2021 on the file of the learned District Munsif-cum-Judicial Magistrate, Uthukottai, Thiruvallur District and to examine the same and to set aside the order passed in Crl.M.P.No.1724 of 2021 on 02.08.2021 and to further issue a direction to release the vehicle ''Hyundai Fludic Veran 1.6 CRDI S'' bearing Registration No.''TN 05 BY 0007''.

For Petitioner : Mr.Vikram Veerasamy.B

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

O R D E R

This Criminal Revision Case has been filed against the order dated 02.08.2021 made in C.M.P.No.1724 of 2021 by the learned District Munsif-cum-Judicial Magistrate, Uthukottai, Thiruvallur District.

2.It is the case of the petitioner that the respondent police registered a case in Crime No.295 of 2021 against the petitioner for the offence under Section 4(1) (a) of Tamil Nadu Prohibition Act and seized the four wheeler viz., Hyundai Fludic Veran 1.6 CRDI S' bearing Registration No.'TN 05 BY 0007'. The petitioner filed a petition under Section 451 and 457 of



Cr.P.C in C.M.P.No.1724 of 2021 seeking interim custody of the vehicle. The learned District Munsif-cum-Judicial Magistrate, Uthukottai, Thiruvallur District, by an order, dated 02.08.2021 dismissed the petition, against which, the present Criminal Revision Case is filed before this Court.

3.The case of the prosecution is that on 01.06.2021 when the respondent/police checking the vehicles at Uthukottai Check post, they intercepted Hyundai Fludic Veran 1.6 CRDI S' bearing Registration No.'TN 05 BY 0007 and interrogated the accused. On suspicion, they searched the vehicle and found Kings Well Brandy 16 Nos and Boom Beer 12 Nos and seized the vehicle.

4.The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle, neither the petitioner nor her husband is in no way connected with the alleged offence. The driver of the vehicle purchased the said liquor bottles and kept them inside the vehicle, without knowledge of her husband. Therefore, the petitioner seeks interim custody of the said vehicle and that she would abide by stringent conditions, if any, to be imposed on her.

5.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the said vehicle was alleged to have used for illegal transportation liquor bottles. He would further submit that investigation is pending and hence, the vehicle in question cannot be released at this stage.

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

7.On a perusal of the records and the submissions made by the learned counsel on either side, it would reveal that investigation is pending and during the pendency of the investigation, return of the property is purely discretionary power of the Court below. The learned Judge by exercising his 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. Under these circumstances, 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 IX)

//True Copy//

Sub Assistant Registrar



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

2.The Sub Inspector of Police,
C1- Uthukottai Police Station,
Thiruvallur.

3.The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.562 of 2021

PM (CO)
PR (12/10/2021)