



WEB COPY

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.16929 of 2021

M.Vinoth Kumar

... Petitioner

Versus

1.The Superintendent of Police
Salem District
Salem.

2.The Inspector of Police
Attur Rural Police Station
Salem District
Crime No.247 of 2021

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to produce the petitioner vehicle bearing Reg.No.TN-77-L-1158 TVS Apache RTR 160 (BSIV). Before the learned Judicial Magistrate No.I, Attur, Salem District in CMP.No.1388 of 2021 order dated 28.06.2021, in Crime No.247 of 2021 within a stipulated period.

For Petitioner : Mr.R.Lokeshwaran

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents to produce the petitioner vehicle bearing Reg.No.TN-77-L-1158 TVS Apache RTR 160 (BSIV) before the learned Judicial Magistrate No.I, Attur, Salem District in CMP.No.1388 of 2021 order dated 28.06.2021, in Crime No.247 of 2021 within a stipulated period.



2. The contention of the petitioner is that the petitioner's vehicle was seized by the respondent Police in Crime No.247 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 implicated. Hence, he filed the return of property petition in CrI.M.P.No.1388 of 2021 the trial Court by the order dated 28.06.2021, directed to produce the vehicle. Thereafter, the petitioner had executed the surety as per the condition. Event thereafter, the second respondent is not handing over the vehicle to the petitioner.

3. The learned Government Advocate (CrI.Side) submitted that the vehicle is subject to confiscation proceedings initiated by the Assistant Commissioner of Police, Coimbatore. The notice of confiscation has been issued to the petitioner. 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.

4. 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 seek return of vehicle. In the confiscation proceedings, an opportunity of hearing the petitioner given by the confiscation Authority.

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

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Judicial Magistrate No.I,
Attur, Salem District.



2.The Superintendent of Police
Salem District
Salem.

3.The Inspector of Police
Attur Rural Police Station
Salem District
Crime No.247 of 2021

4.The Public Prosecutor
High Court, Madras.

CRL.O.P.No.16929 of 2021

PVS(CO)
BVC(22/10/2021)