



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM:

THE HON'BLE MR. JUSTICE P.VELMURUGAN

CRIMINAL REVISION CASE NO.626 OF 2021

Uthamsingh

... Petitioner/Accused

Versus

The State Rep.by
Inspector of Police,
Kolathur Police Station,
Salem District,
Crime No.554 of 2020.

... Respondent/Complainant

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records in CrI.M.P.No.1216 of 2021 on the file of the learned Judicial Magistrate No.I, Mettur dated 15.04.2021 and set aside the same and subsequently return of 134 M (Quantity) 13400 WAVE cigarettes.

For Petitioner	:	Mr.M.Mariappan
For Respondent	:	Mr.S.Sugendran Government Advocate (CrI.Side)

O R D E R

This Criminal Revision Case has been filed against the order dated 15.04.2021 passed in C.M.P.No.1216 of 2021 by the learned Judicial Magistrate No.I, Mettur.

2.It is the case of the petitioner that the respondent police registered a case in Crime No.554 of 2021 against the petitioner for the offence under Sections 7 and 20(1) of Cigarette and other Tobacco Products Acts, 2003 and seized the vehicle viz., Innova Car bearing Registration No.KA 02 MD 5103 and 17,000 WAVE Cigarette Pockets. The petitioner filed a petition under Section 451 Cr.P.C in C.M.P.No.1216 of 2021 seeking interim custody of the property. The learned Judicial Magistrate No.I, Mettur, by an order dated 15.04.2021 dismissed the petition, against which, the present Criminal Revision Case is filed before this Court.

3.The case of the prosecution is that on 30.11.2020, when the respondent/police were in routine vehicle checking at Dhanda



four road they intercepted Innova Car bearing Registration No.KA 02 MD 5103 and found 17,000 WAVE Cigarette Pockets. On enquiry, the accused had stated that for meagre benefit they purchased the said products, without obtaining licence or permission from the Government and going to sell the products in Karnataka State. Hence, the respondent police registered the case in Crime No.554 of 2021 against the accused and seized the vehicle and 17,000 WAVE Cigarette Pockets.

4.The learned counsel for the petitioner would submit that the case property belongs to the petitioner and he purchased the said products with proper bills and if the said cigarettes were not used within a specific period, they would get destroyed. Therefore, the petitioner seeks interim custody of the property and that he would abide by stringent conditions, if any, to be imposed on him.

5.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was alleged to have transported Tobacco products, without obtaining licence or permission from the Government. He would further submit that already show cause notice was issued and confiscation proceedings is going to be initiated and hence, the property 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, it is seen that the respondent police registered the case in Crime No.554 of 2020 against the petitioner for the offence under Sections Sections 7 and 20(1) of Cigarette and other Tobacco Products Acts, 2003 and also seized Innova Car bearing Registration No.KA 02 MD 5103 and 17,000 WAVE Cigarette Pockets. Pending investigation, the petitioner filed a petition seeking interim custody of the property, however, the same was dismissed by the Court below.

8.Considering the facts and circumstances of the case and also that the property would get destroyed within the specific period, this Court directs the learned Judicial Magistrate No.I, Mettur to return the property to the petitioner, on the following conditions:-

(i)The petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only), as non-refundable deposit through RTGS/NEFT in favour of the Joint Secretary & Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, e-mail: jscmprf@tn.gov.in or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch,



Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and on such payment and production of proof, the property shall be returned;

(ii) The petitioner shall participate in the confiscation proceedings, if any initiated, and shall produce the products, before the confiscation authority. This order is subjected to the confiscation proceedings.

9. With the above directions, the Criminal Revision Case is allowed by setting aside the order dated 15.04.2021 passed in C.M.P.No.1216 of 2021 by the learned Judicial Magistrate No.I, Mettur.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ms

To

1. The Judicial Magistrate No.I,
Mettur.
2. The Inspector of Police,
Kolathur Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.
4. The Joint Secretary & Treasurer,
Chief Minister's Public Relief Fund,
Finance (CMPRF) Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.

+1cc to Mr.M.Mariappan, Advocate, S.R.No.52958

CrI.R.C.No.626 of 2021

AKII(CO)
PM/27/10/2021