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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.R.C.No.732 of 2021

V.Jeyaraj

...Petitioner/Accused

-Vs-

The State represented by
The Inspector of Police,
Bargur Police Station,
Erode.
(Cr.No.44 of 2021)

...Respondent/Complainant

Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order dated 20.07.2021 made in C.M.P.No.1285 of 2021 passed by the learned Judicial Magistrate No.II, Bhavani, to return the vehicle of Chevrolet Sail Car, Grey Color bearing Reg.No.TN-07-BT-3681, Chasis No.MA6SFBLACCT001960 to the petitioner.

For Petitioner : Mr.S.Bharanidharan

Respondent : Mr.E.RajThilak
Additional Public Prosecutor

O R D E R

This criminal revision has been filed against the dismissal of the petition filed by the petitioner under Section 457 r/w 451 of Cr.P.C. seeking return of vehicle viz. Chevrolet Sail Car, Grey Color bearing Reg.No.TN-07-BT-3681, Chasis No.MA6SFBLACCT001960, passed by the learned Judicial Magistrate No.II, Bhavani, in C.M.P.No.1285 of 2021 dated 20.07.2021.

2 The case of the petitioner is that he had purchased the Car from one S.Suseela on 30.04.2021 and she has also given the necessary Transfer of Ownership Form in favour of



the petitioner. However, due to Covid pandemic, the petitioner was unable to transfer the records in his favour. Meanwhile, the Car was alleged to have involved in a case registered by the respondent police in Crime No.44 of 2021 for the offence under Section 4(1)(a) of Tamilnadu Prohibition Act, 1937. The petitioner is the accused in the above crime and he was arrested and let out on bail on the same day. Thereafter the petitioner had filed a petition under Section 457 r/w 451 of Cr.P.C. seeking interim custody of the vehicle and the learned Magistrate had dismissed the same on 20.07.2021 stating that confiscation proceedings had been initiated by the respondent police against which, present revision has been filed.

3 Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that the vehicle stands in the name of one Suseela and the petitioner is stated to have purchased the vehicle and he had not transferred the records in his favour. The petitioner was found to transport the liquor illegally in the vehicle and he was arrested and released on bail. Thereafter confiscation proceedings were initiated by the respondent police and due notice was served on the owner, whose name was reflected in the RC book of the vehicle as well as on the petitioner. Thereafter after giving sufficient opportunity, the Deputy Superintendent of Police, Prohibition Enforcement Wing, Erode District, has by order dated 30.08.2021 in Na.Ka.No.464/Ka.Thu.Ma.Ve./Ee/2021 ordered for confiscation of the vehicle. Pursuant to the confiscation, the vehicle has also been brought for auction and the auction has also been fixed on 18.11.2021.

4 Since the vehicle has been confiscated and brought for auction, nothing survives for adjudication in the criminal revision case and hence the the same has become infructuous.

5 Accordingly the criminal revision stands dismissed as infructuous. However, liberty is granted to the petitioner to file an appropriate petition and workout his remedy in accordance with law.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar



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To

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1. The Judicial Magistrate No.II, Bhavani.
2. The Inspector of Police, Bargur Police Station, Erode.
3. The Public Prosecutor, High Court of Madras.

Crl.R.C.No.732 of 2021

SVI (CO)
CB(13/12/2021)