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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2021.

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THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.922 of 2021

C.Perumalsamy

... Petitioner

Vs.

State represented by,
The Inspector of Police,
B1, Thiruvallur Town Police Station.
(Crime No.714 of 2021)

... Respondent

Prayer: Criminal Revision filed under Section 397&401 of Criminal Procedure Code, to set aside the order dated 13.08.2021, made in Crl.M.P.No.4279 of 2021, on the file of the Judicial Magistrate-I, Thiruvallur and to direct the respondent to return the car bearing Registration No. TN-76-AJ-5456 to petitioner.

For Petitioner : Mr.R.Ramesh

For Respondent : Mr.S.Sugendran
Government Advocate [Crl. Side]

ORDER

This Criminal Revision Petition has been filed against the dismissal of the petition, seeking for an interim custody / return of property.

2. Learned counsel for the petitioner would submit that the petitioner is the owner/driver of the car viz. Nissan Sunny XL BS-IV bearing Registration No. TN-76-AJ-5456, which is a Taxi with permit to operate throughout Tamil Nadu from 14.05.2018 to 13.05.2023. On 16.06.2021, the vehicle was engaged by A1 and A2 and without the knowledge of the petitioner, they have illegally transported illicit liquor in their bags and the respondent intercepted the vehicle and they have recovered 34 beer bottles and 4 brandy bottles from the custody of A1 and A2 and the respondent have also falsely implicated the petitioner also as an accused in this case and he was arrested and the respondent



had seized his vehicle. He would also submit that the petitioner is only a driver/owner of the vehicle, he had is no way connected with the other two accused and the petitioner was later released on bail.

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3. Thereafter, the petitioner had filed an Application for return of property in Crl.M.P.No.4279 of 2021, before the Judicial Magistrate-I, Thiruvallur, whereas, the learned Judge holding that confiscation proceedings were pending, had dismissed the Application by an order dated 13.08.2021. Thereby, he seeks to set aside the order passed by the Trial court and would seek for interim custody of the vehicle to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) would submit that the petitioner along with two other accused was found illegally transporting the illicit liquor in his car. The accused were arrested on 16.06.2021 and the vehicle has been seized and later, the petitioner was granted bail in this case. He would further submit that in this case, the respondent have served show cause notice on the petitioner and he has also given his reply and the confiscation proceedings will be completed at the earliest.

5. Taking into consideration the facts and circumstances of the case, the petitioner is an accused in this case and the show cause notice has been issued and reply has also been given by the petitioner. This Court is not inclined to grant interim custody of the release of vehicle at this stage.

6. In view of the above, this Criminal Revision Case is dismissed. Further, the authorities concerned are directed to complete the confiscation proceedings at the earliest.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.I,
Thiruvallur.
2. The Chief Judicial Magistrate (For Information)
Thiruvallur.
3. The Inspector of Police,
B1, Thiruvallur Town Police Station.
4. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.922 of 2021

SPD(CO)
GMY(06/01/2022)