



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30.06.2021

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.RC(MD)No.311 of 2021

WEB COPY

Muthukaruppan : Revision Petitioner/Petitioner/
Owner of Property

Vs.

State:

Rep. by Sub Inspector of Police,
P.E.W Melur Police Station,
Madurai District.
(Crime No.40 of 2021)

: Respondent/Respondent/
Complainant

Prayer: Criminal Revision filed under section 397 r/w 401 of the Code of the Criminal Procedure, against the dismissal order, dated 11.03.2021 in Cr.M.P No.264 of 2021 on the file of the Judicial Magistrate, Melur.

For Revision Petitioner : Mr.Deenadhayalan
for Mr.T.Bashyam

For Respondent : Mr.RM.Sethuraman
Counsel for State Government

O R D E R

This Criminal Revision is filed against the dismissal order, dated 11.03.2021 made in Cr.M.P. No.264 of 2021 on the file of the Judicial Magistrate, Melur.

2.The petitioner is the Secretary of Chentoor Manamagil Mandram and on 19.01.2021 at about 5.00 pm, the respondent police officials said to have inspected the said Club and found that the licence to the said Chentoor Manamagil Mandram got expired and without renewal, the petitioner and others said to have continued the said Chentoor Manamagil Mandram and 2459 unit of Liquor Bottles were found in the premises of the said Mandaram, which is violative of permitted unit. In this connection, the respondent police registered the case in Crime No.40 of 2021 for the alleged offence under sections 24, 23-A, 24-C of Tamil Nadu Prohibition Act, 1937 and the seized liquor bottles were produced before the Judicial Magistrate, Melur, in RPR No.15 of 2021. The petitioner filed Cr.M.P No.264 of 2021 seeking interim custody of the liquors. The said petition was dismissed by the trial court, dated 11.03.2021. Challenging the same, the petitioner is before this court.



3. Heard both sides and perused the materials available on record.

4. It is seen from the records that the petitioner took steps to renew the licence by way of paying license fee and for that, he produced e-acknowledgement. Further, already the liquor seized by the police was sent for the forensic lab and on the side of the prosecution, it is stated in the counter that the liquor is free from toxic substance.

5. Under these circumstances, this court is of the view that the petitioner is entitled to get interim custody of the liquor.

6. Accordingly, this criminal revision petition is **allowed** and the order, dated 11.03.2021 made in Cr.M.P. No.264 of 2021 on the file of the Judicial Magistrate, Melur, is set aside. The learned Magistrate is directed to return the alleged property to the petitioner on the following conditions:-

(1) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Melur;

(2) on further condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) before the learned Judicial Magistrate, Melur, to the credit of Crime No.40 of 2021 on the file of the respondent, within a period of two weeks from the date of receipt of a copy of this order; and

(3) On compliance of clause (1) and (2), the properties shall be handed over to the petitioner for interim custody, on such condition the Judicial Magistrate thinks fit.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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**Note :**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To,

- 1.The Judicial Magistrate, Melur.
- 2.The Sub Inspector of Police,
P.E.W Melur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.BASHYAM, Advocate (SR-20784[F] dated 30/06/2021)

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30.06.2021

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