



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17.09.2021

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

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Crl.RC.(MD)No.561 of 2021

M.Meiyazhagan

: Petitioner/Petitioner/A2

Vs.

State rep. by
The Inspector of Police,
Prohibition Enforcement Wing,
Thoothukudi.
(Crime No.462 of 2021)

: Respondent/Respondent

Prayer: Criminal Revision has been filed under Section 399 r/w 401 of the Criminal Procedure Code, against the order passed in Crl.MP No.2326 of 2021, dated 06.08.2021 on the file of the Judicial Magistrate, Srivaikundam.

For Petitioner : Mr.N.Mohideen Basha

For Respondent : Mr.RMS.Sethuraman
Standing Counsel for State
(Criminal Side)

O R D E R

This Criminal Revision has been filed against the order passed in Crl.MP No.2326 of 2021, dated 06.08.2021 on the file of the Judicial Magistrate, Srivaikundam.

2.The petitioner/A2 is the owner of the Mitsubishi Lancer Diesel Car (TN-33-AJ-6494) and that on 03.06.2021, while the respondent police conducted routine check up of the vehicle, at that time, the accused persons illegally carrying liquor bottles in the alleged vehicle of the petitioner/A2 and the respondent police arrested the accused and seized the petitioner's vehicle and in this regard, a case was registered in Crime No.462 of 2021 against the accused for the alleged offence under Section 4(1-A), 4(1)(aaa), 4(1)(i) and 4A of the Tamil Nadu Prohibition Act. The petitioner/A2 approached the learned Judicial Magistrate, Srivaikundam, by way of filing petition in Crl.M.P No.2326 of 2021 seeking return of the vehicle. The learned Judicial Magistrate, dismissed the said petition on 06.08.2021. Aggrieved by the said order, 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 respondent police seized the vehicle of the petitioner/A2 in connection with the case in Crime No.462 of 2021 for transportation of liquor bottles from other State. The entire seized properties along with the alleged vehicle have been handed over to the Additional Superintendent of Police, Prohibition Enforcement Wing, Thoothukudi, who is the Confiscation Authority. At this stage, the petitioner approached the Judicial Magistrate, by way of filing Crl.MP No.2326 of 2021 seeking return of vehicle on the ground that if his vehicle is parked at police station, its mechanical parts will be damaged by the wind and rain and the exterior will fall out.

5.On perusal of the impugned order, the learned Judicial Magistrate held that as per Section 457 of Cr.P.C, the disposal of property can be made to the person entitled to possession and further held that the transaction of the sale allegedly conferring ownership of the subject vehicle happened on 07.04.2021, while the incident happened on 03.06.2021 and no document was issued by any Competent Registering Authority to suggest the name transfer in the name of the petitioner. Further, in this case, show cause notices were sent to the petitioner/A2 and the erstwhile owner, on 30.06.2021 and necessary steps are being taken for confiscation of the subject vehicle. Under these circumstances, this court is of the considered view that the impugned order passed by the trial court do not call for any interference by this court.

6.In the result, this Criminal Revision fails the same is **dismissed**.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To,

1.The Judicial Magistrate,
Srivaikundam.

2.The Inspector of Police,
Prohibition Enforcement Wing,
Thoothukudi.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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