



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17.09.2021

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

Crl.RC.(MD)No.556 of 2021

Poobalan

:Revision Petitioner/Petitioner/A3

Vs.

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

:Respondent/Respondent/Complainant

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.2327 of 2021, dated 06.08.2021 on the file of the Judicial Magistrate, Srivaikundam.

For Petitioner	: Mr.N.Mohidden Basha
For Respondent	: Mr.RMS.Sethuraman Standing Counsel for State (Criminal Side)

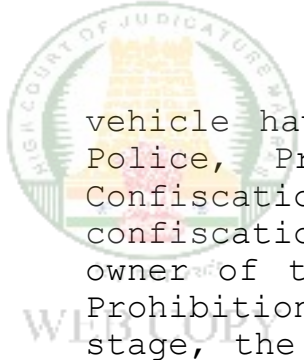
ORDER

This Criminal Revision has been filed against the order passed in Crl.MP No.2327 of 2021, dated 06.08.2021 on the file of the Judicial Magistrate, Srivaikundam.

2.The petitioner/A3 is the owner of the Van (TN-58-AS-3174) 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/A3 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/A3 approached the learned Judicial Magistrate, Srivaikundam, by way of filing petition in Crl.M.P No.2327 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/A3 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. A show cause notice regarding the confiscation of the vehicle was sent to the petitioner, being the owner of the vehicle, by the Additional Superintendent of Police, Prohibition Enforcement Wing, Ramanathapuram District. At this stage, the petitioner approached the Judicial Magistrate, by way of filing CrI.MP No.2327 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. The learned Judicial Magistrate dismissed the said petition on 06.08.2021 alleging that there was a previous criminal antecedent against the petitioner in respect of Crime No.1089 of 2021 under section 4(1)(aaa) of the Tamil Nadu Prohibition Act, which is pending. Further, in this case confiscation proceedings is pending.

5.In view of the above facts, 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 (Records)

// 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.

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

CrI.RC (MD) No.556 of 2021
17.09.2021

NSN (CO)

KB (23.09.2021) 2P 4C