



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20233 of 2021

WEB COPY

R.Azhagar

... Petitioner

Vs

The Inspector of Police,
Narikkudi Police Station,
Thiruchuli Taluk,
Virudhunagar District.

... Respondent

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondent to immediately return the vehicle of the petitioner named Hero Honda Splender Plus bearing Registration No.TN 67 AB 7960.

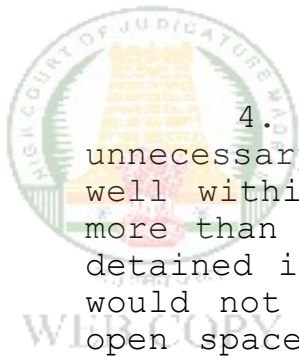
For Petitioner	: Mr.R.Sevugaraja
For Respondent	: Mr.Sakthi Kumar
	Government Advocate (Crl.side)

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent.

2. The petitioner was implicated as an accused in Crime No.117 of 2021 registered on the file of the Narikkudi Police Station for the offences under Sections 4(1)(i) and 14 A of the Tamil Nadu Prohibition Act. The petitioner's two wheeler was also seized. Seeking return of the two wheeler, this Criminal Original Petition has been filed.

3. It is not in dispute that till date, the seizure of the two wheeler has not been reported to the jurisdictional Magistrate. The delay of 50 days in my view is not acceptable. I went through the contents of the FIR. It is stated that on 01.11.2021 at about 11.00 am., the petitioner was found in possession of 10 bottles of liquor. Though unauthorised sale of liquor is an offence, there is a considerable substance in the petitioner's counsel's contention that the petitioner has been falsely implicated. The petitioner was responsible for the arrest of the local sub inspector in the year 2017 for having committed the offence under the Prevention of Corruption Act. When the TASMAC liquor outlet have been opened all over the State, it is obverse to imagine that a person will be selling liquor unauthorizedly in a public place openly at 11.00 a.m.



4. Be that as it may, detaining the vehicle is absolutely unnecessary. The quantity of liquor possessed by the petitioner is well within the permissible limit. The Hon'ble Supreme Court in more than one case has held that the two wheelers ought not to be detained in the police custody or the Court custody for long as it would not serve any larger purpose. If the vehicle is kept in open space and exposed to sun light and rain, it would lose its value. Therefore, I direct the respondent to forthwith hand over the petition mentioned vehicle to the petitioner.

5.This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

29/12/2021

Sub Assistant Registrar(CS)

rmi

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 Inspector of Police,
Narikkudi Police Station,
Thiruchuli Taluk,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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