



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM:

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

Criminal Revision Case No.70 of 2022

Annathurai ... Petitioner/ Petitioner/ Vehicle Owner
..Vs..

The Inspector of Police,
Mohanur Police Station,
Mohanur,
Namakkal District.

...Respondent/Respondent / Complainant

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in C.M.P.No.1449 of 2021 in Crime No.506 of 2021 on the file of Judicial Magistrate No.2, Namakkal, dated 27.08.2021, by allowing this revision.

For Petitioner : Mr.R.Sundar

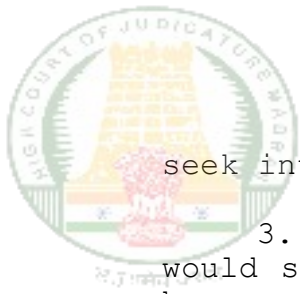
For Respondent : Mr.S.Sugendran
Government Advocate (Crl. Side)

ORDER

(This Case has been heard through Video Conferencing)

This Criminal Revision Case has been filed against the dismissal of the order passed by the Judicial Magistrate No.2, Namakkal in C.M.P.No.1449 of 2021 dated 27.08.2021 dismissing the application for return of property.

2. Learned counsel for the petitioner would submit that the petitioner is the owner of the Herp Splender bearing Registration No.TN-48-AU-6763, the vehicle was seized by the respondent in connection with a Crime No.506 of 2021 registered a case for the offence Under Sections 4(1)(a), 4(1-A) TNP Act. He would further submit that the petitioner had filed C.M.P.No.1449 of 2021 seeking for return of property and the learned Trial Judge holding that the vehicle is liable to confiscation, had dismissed the application. Learned counsel for the petitioner would submit that the vehicle is parked in the open area exposed to vagaries of weather and thereby the value of the vehicle is diminishing day by day and thereby he would



seek interim custody of the vehicle.

3. Mr.S.Sugendran, learned Government Advocate (crl.side) would submit that the petitioner is an accused in this case and he was found in possession of 5L of illicit arrack in the vehicle and that the vehicle was seized by the respondent police, in connection with Crime No.506 of 2021 registered a case for the offence Under Sections 4(1)(a),4(1-A) TNP Act. He would further submit that show cause notice has been served on the petitioner and the confiscation proceedings is also pending and thereby he would object for the interim custody of the vehicle.

4. Heard the learned counsels and perused the materials available on record.

5. Taking into consideration of the facts that the vehicle is liable to confiscation and the petitioner is an accused in this case, this Court does not find any infirmity in the order passed by the learned Judicial Magistrate No.2, Namakkal in C.M.P.No.1449 of 2021 dated 27.08.2021.

6. In view of the above, this Criminal Revision Case stands dismissed. The concerned authority shall proceed further with the confiscation proceedings and the order passed in this revision will not be a bar to the authorities in proceeding with the confiscation proceedings.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

shk/gba

To

1. Judicial Magistrate No.2, Namakkal
 2. The Inspector of Police,
Mohanur Police Station,
Mohanur, Namakkal District.
 3. The Public Prosecutor (Crl side),
High Court, Madras.
 4. The Section Officer, Criminal Section,
High Court, Madras.
- +1cc to Mr.R.Sundar, Advocate, S.R.No.7448

Criminal Revision Case No.70 of 2022

AK(CO)

SB(16/02/2022)