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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.R.C.NO.80 OF 2022

P.Vijayaraj

... Petitioner

Vs.

The Inspector of Police,
G-2, Pudumund Police Station,
Nilgiri.
(Crime No.117 of 2021)

... Respondent

PRAYER: The Criminal Revision Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 16.12.2021 made in C.M.P.No.4672 of 2021 passed by the learned Judicial Magistrate, Udagamandalam, Nilgiri District and consequently direct the respondent to hand over the car namely Swift VXI Registration No.TN-43-L-8552 to the petitioner.

For Petitioner : Mr.K.Raja

For Respondent : Mr.S.Sugendran
Addl. Public Prosecutor

O R D E R

(This case has been heard through video conferencing)

The Criminal Revision Petition has been filed against the dismissal of the petition seeking for return of property.

2. The submissions of the learned counsel appearing for the petitioner is as under:-

(a) The petitioner is the owner of Swift VXI bearing Registration No.TN-43-L-8552. The respondent/Police had seized the vehicle in connection with the Crime No.117 of 2021, registered for the offence under Sections 4(1)(a), 4(1-A) of TN Prohibition Act. The allegation against the petitioner is that he had illegally transported the illicit liquor.



(b) The petitioner had filed an application seeking for interim custody of the vehicle in C.M.P.No.4672 of 2021 before the Judicial Magistrate, Udhagamandalam. The learned Magistrate, had dismissed the application stating that the confiscation proceedings have been initiated by the competent authority and the petitioner has been served with the show cause notice.

(c) The petitioner undertakes that the alleged vehicle will not be used for any other illegal activities in future and that the vehicle would be produced before the respondent or the confiscation authorities as and when required for and thereby he would seek to set aside the impugned order and direct the release of the vehicle.

3. Per contra, Mr.S.Sugendran, Additional Public Prosecutor would submit that the petitioner had transported the illicit liquor in his car and the respondent has seized the vehicle in connection with the crime No.117 of 2021. He would further submit that confiscation proceedings have been initiated and after due notice the vehicle had been confiscated.

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

5. In view of the above, the Criminal Revision stands dismissed and the petitioner is granted liberty to challenge the confiscation order before the Sessions Court.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsif cum Judicial Magistrate,
Madhukarai.
2. The Inspector of Police,
G-2, Pudumund Police Station, Nilgiri.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.K.Raja, Advocate, S.R.No.7257

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NK(CO)

RLP(02/03/2022)