



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.R.C.No.349 of 2022

Nandhakumar

... Petitioner/Petitioner

Vs.

The State represented by
The Inspector of Police,
The Prohibition Enforcement Wing
Police Station,
Pennagaram,
Dharmapuri District.

... Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 and 401 of Cr.P.C. to call for the records pertaining the order passed in Crl.M.P.No.2487 of 2021 on the file of the learned District Munsif cum Judicial Magistrate, Pennagaram, Dharmapuri, dated 11.10.2021 and set aside the same.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed challenging the impugned order dated 11.10.2021 passed in Crl.M.P.No.2487 of 2021 in C.P.No.338 of 2021 in Cr.No.212 of 2021 on the file of the learned District Munsif cum Judicial Magistrate, Pennagaram.

2.The case of the petitioner is that, the petition mentioned vehicle bearing registration No. TN 22CR 3911 was recovered in connection with Crime No.212 of 2021 on the file of the Inspector of Police, Pennagaram. The said case has been registered for the offences punishable under Section 4(1)(a), 4(1-A) of the Tamil Nadu Prohibition Act. Later the petitioner herein filed a petition before the learned Magistrate, wherein



he prayed to give the petition mentioned vehicle for interim custody.

3. After elaborate enquiry, the learned District Munsif cum Judicial Magistrate, Pennagaram, dismissed the application by saying that already the confiscation proceedings have been initiated. Aggrieved over the same, the petitioner is before this Court with the present Criminal Revision Case.

4. Heard Mr. M. Selvam, learned counsel appearing for the petitioner and Mr. Leonard Arul Joseph Selvam, learned Government Advocate (Crl. Side) appearing for the respondent police.

5. Admittedly, as of now, after initiation of confiscation proceedings, the same has been completed and thereafter vide order dated 17.07.2021 passed by the Additional Deputy Superintendent of Police, Dharmapuri, the property was confiscated to the State. In the said circumstance, under Section 14(5) of the Tamil Nadu Prohibition Act, the petitioner is having an opportunity to file an appeal before the learned Principal District Court, Dharmapuri.

6. Here it is a case, without exercising the remedy available under the Act, the petitioner filed an application under Section 451 of Cr.P.C., before the learned Magistrate and the same has been dismissed. Therefore, this Court finds no error in the impugned order passed by the learned Magistrate. However, considering the facts and circumstances of the case, it would be appropriate to give some liberty to the petitioner for filing an appeal before the district Court, for challenging the order dated 23.12.2021 passed by the Additional Superintendent of Police/ Authorized officer, Dharmapuri, through which the petition mentioned property under confiscated, within a period of 15 days from the date of receipt of copy of this order.

7. With the above direction, this Criminal Revision Petition is disposed of.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

rts



To

1. The District Munsif cum
Judicial Magistrate,
Pennagaram, Dharmapuri.

2. The Inspector of Police,
The Prohibition Enforcement Wing
Police Station,
Pennagaram,
Dharmapuri District.

Copy To

1.The Principal District Court,
Dharmapuri.

2.The Additional Superintendent of Police/
Authorized Officer, Dharmapuri.

3.The Additional Deputy Superintendent of Police,
Dharmapuri.

+1cc to Mr.M.Selvam, Advocate SR.No.23709

Cr1.R.C.No.349 of 2022

PMK (CO)
GN(04/05/2022)