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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.NO.13164 OF 2022

AND

W.M.P.NOS.12504 & 12505 OF 2022

Chelladurai

... Petitioner

.Vs.

1. The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Dharmapuri - Post & District.

2. The Inspector of Police,
Prohibition Enforcement Wing-Harur,
Harur - Post,
Dharmapuri - District.
(Crime No.634 of 2021)

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus or any other appropriate writ, order or direction in the nature of writ, to call for the records relating to the confiscation order made in C.No.73/CONF/ADSP/PEW/DPI/2021 dated 25.06.2021 and final order dated 22.10.2021 on the file of the 1st respondent and quash the same and further direct the respondents to release the Maruthi Swift vehicle bearing registration No. TN 72 CX 1584 seized in Crime No.634 of 2021 dated 27.05.2021 on the file of the 2nd respondent.

For Petitioner : Mr.D.Veerasekaran

For R1 & R2 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The Writ Petition has been filed to call for the records relating to the confiscation order made in C.No.73/CONF/ADSP/PEW/DPI/2021 dated 25.06.2021 and final order dated 22.10.2021 on the file of the 1st respondent and quash the same and



further direct the respondents to release the Maruthi Swift vehicle bearing registration No.TN 72 CX 1584 seized in Crime No.634 of 2021 dated 27.05.2021 on the file of the 2nd respondent.

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2. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

3. Learned counsel for the petitioner would submit that the confiscation proceedings have been passed without proper enquiry and the petitioner is not even arrayed as an accused in the FIR.

4. At the outset, this Court is unable to persuade this petition. It is seen that the notice has been issued to the petitioner in the confiscation proceedings. Therefore, the confiscation order has to be challenged only by way of an appeal before the District Court concerned and not before this Court.

5. Accordingly, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are also closed. However, liberty is granted to the petitioner to file an appeal and if any delay in filing of an appeal, the learned Sessions Judge shall take into consideration the delay occurred in filing this petition and hear the appeal and pass orders on merits. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rgi/ham

To

1. The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Dharmapuri - Post & District.
2. The Inspector of Police,
Prohibition Enforcement Wing-Harur,
Harur - Post,
Dharmapuri - District.
(Crime No.634 of 2021)



3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.37290

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W.P.NO.13164 OF 2022 AND
W.M.P.NOS.12504 & 12505 OF 2022

SKM(CO)
PBS/30/06/2022