



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.858 of 2021

Santhanam

...Petitioner/Petitioner

..Vs..

State of by Inspector of Police,
Sathiyamangalam Police Station,
Erode District.

Crime No.332 of 2021

...Respondent/Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the dated 10.09.2021 passed in CMP.No.1400 of 2021 on the file of Judicial Magistrate, Sathiyamangalam and to allow the above Criminal Revision consequently direct the respondent to return the car bearing registering No.TN48AH0464.

For Petitioner : M/s.N.Premalatha

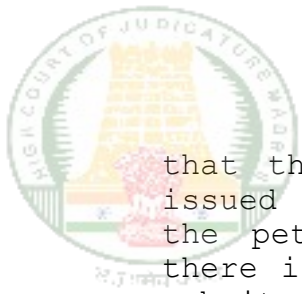
For Respondent : Mr.S.Sugendran
Government Advocate (Crl. Side)

O R D E R

(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, Sathiyamangalam in CMP.No.1400 of 2021 dated 10.09.2021 seeking interim custody of the vehicle.

2. Learned counsel for the petitioner would submit that the petitioner is the owner of the Maruti Swift Dzire Car bearing Registration No.TN48AH0464. He would further submit that the vehicle was seized by the respondent in connection with Crime No.332 of 2021 a case registered was registered for the offence Under Section 4(1)(aaa) of TN Prohibition Act. He would submit



that the petitioner is not an accused and the respondent has issued show cause notice dated 06.07.2021 to the petitioner and the petitioner has also sent reply to that effect. However, there is no progress in the confiscation proceedings. He would submit that the petitioner had filed an application seeking for interim custody of the vehicle and the learned Magistrate had dismissed the same holding that the vehicle is liable to confiscation. 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 and thereby he would seek for interim custody of vehicle.

3. Mr.S.Sugendran, learned Government Advocate (crl.side) would submit that the vehicle of the petitioner was seized by the respondent in connection with Crime No.332 of 2021 registered a case for the offence under Section 4(1)(aaa) of TN Prohibition Act for transporting 1152 pockets of Original Choice Whisky, 180ml of 10 pockets of Old Tavern Whiskey, seven number of 180 ml Manson House Brandy, two 330 ml King Fisher Beer. He would further submit that the respondent has initiated confiscation proceedings and the Deputy Superintendent of Police, PEW, Erode District vide reference No.398/DSP/PEW/E/2021 dated 06.07.2021, has issued show cause notice to the petitioner and the petitioner has also replied to the same and he would submit that the confiscation proceedings are pending.

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

5. Though the confiscation proceedings have been initiated on 03.08.2021, there is no progress. In view of the above, this Court does not find any infirmity in the order passed by the learned Judge. Accordingly this Criminal Revision Case stands dismissed. However, direction is issued to the Deputy Superintendent of Police, PEW, Erode District to complete the confiscation proceedings in reference No.398/DSP/PEW/E/2021 within a period of six weeks from the date of receipt of the copy of the order.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

shk



To

1.The Judicial Magistrate,
Sathiyamangalam.

2.-do- through The Chief Judicial Magistrate,
Erode.

3.The Inspector of Police,
Sathiyamangalam Police Station,
Erode District.
Crime No.332 of 2021

4.The Deputy Superintendent of Police,
PEW, Erode District.

5.The Public Prosecutor,
High Court, Madras.

Copy to:

The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.R.Nalliyappan, Advocate SR. No.7240

Criminal Revision Case No.858 of 2021

PL (CO)
PR (17/02/2022)