



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.1018 of 2021

Dharman

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Tiruchencode Police Station,
Tiruchencode,
Namakkal District.

...Respondent

PRAYER: The Criminal Revision Petition is filed under Section 397 & 401 of the Code of Criminal Procedure, to allow the above Criminal Revision petition and thereby set aside the order passed in Crl.M.P.NO.882 of 2021 by the Judicial Magistrate Court, Thiruchencode, Namakkal District dated 18.08.2021 thereby directing the respondent police to release lorry bearing No.TN-52-F-9987.

For Petitioner : Mr.D.Arun

For Respondent : Mr.S.Sugendran
Government Advocate [Crl. Side]

* * * * *

O R D E R

(The case has been heard through Video Conferencing)

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

2. Learned counsel for the petitioner would submit that the petitioner is the owner of lorry bearing No.TN-52-F-9987 and the vehicle was used for transporting onions from the State of Maharashtra. The petitioner's son was driving the vehicle, while so on 07.06.2021, when the petitioner's son was transporting onions from the State of Maharashtra, the vehicle was intercepted by the respondent police and during the search, the respondents have recovered 25 bottles of 750ml of illicit liquor from the lorry and they have seized the vehicle. The



respondents have also registered a case in Crime No.436 of 2021 against the petitioner's son for the offence under Section 4(1) (a) TNP Act. He would further submit that the petitioner's son was also not aware and he understands that the bottles have been brought in the lorry by the owners of the Onions without the knowledge of the petitioner's son. The respondent conducted the enquiry and they have found that the petitioner has nothing to do with the offence and he is not arrayed as accused. 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. He would also submit that the petitioner had filed Crl.M.P.No. 882 of 2021 before the Judicial Magistrate Court, Thiruchencode, seeking for return of property whereas the trial court holding that the vehicle is likely to be confiscated, had dismissed the petition. He would further submit that till date, no summons or show cause notice is served on the petitioner for confiscation. He would further submit that the petitioner undertakes that he will not dispose the vehicle and that the petitioner is prepared to produce the vehicle before the authorities or before the Court as and when required by them and thereby would seek to set aside the impugned order and direct the release of the vehicle. He would further submit that without prejudice, the petitioner is ready to deposit Rs.25,000/- to the CMPRF Department of Tamil Nadu Government.

3. Mr.S.Sugendran, learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner's son was intercepted by the respondent police on 07.06.2021 and on search of the vehicle, the respondent have seized 25 bottles of 750ml of illicit liquor and thereby registered a case in Crime No.436 of 2021 for the offence under Section 4(1)(a) TNP Act. He would further submit that the petitioner is not the accused and there is no previous cases against the petitioner. He would further submit that till date, no summons or show cause notice is served on the petitioner for confiscation

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

5. Taking into consideration of the facts that the petitioner is not an accused in this case and that till date, no show cause notice has been issued on the petitioner, this Court is of the opinion that the interim custody of the vehicle can be granted to the petitioner.

6. In view of the above, the order dated 18.08.2021 in Crl.M.P.No.882 of 2021 stands set aside and the Criminal Revision Case stands allowed and the interim custody of the vehicle is directed to be handed over to the petitioner subject



to the following conditions:

a) The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Fifty Thousand Only), as non-refundable deposit through RTGS/NEFT in favour of the Joint Secretary & Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, e-mail: jscmprf@tn.gov.in or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and on such payment and production of proof, the vehicle shall be returned;

b) The petitioner shall produce the Original RC book of the vehicle in question before the concerned Trial Court and file an affidavit of undertaking that he will not dispose or alter physical features of the vehicle and that he will produce the vehicle before the trial Court as when required by the trial Court or the Investigating Agency.

c) The RC book of the vehicle shall be retained by the trial Court till the disposal of the trial or until further orders.

7. 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(CS-VIII)

//True Copy//

Sub Assistant Registrar

shk

To

1.Judicial Magistrate Court,
Thiruchencode, Namakkal District

2.The Inspector of Police,
Tiruchencode Police Station,
Tiruchencode,
Namakkal District.

3.The Public Prosecutor,
Madras High Court.



4.The Joint Secretary & Treasurer,
Chief Minister's Public Relief Fund
Finance (CMPRR) Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 001.

WEB COPY

Cr1.R.C.No.1018 of 2021

RP (CO)
CB (04/02/2022)