

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Cr1.O.P.No.23964 of 2021

Biju

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Taluk Police Station,
Krishnagiri.
(Crime No.172 of 2021)

... Respondent

Prayer: This Criminal Original Petition had been filed under Section 482 of Criminal Procedure Code to set aside the order passed in Cr1.M.P.No.4919 of 2021 dated 28.10.2021 by the learned Judicial Magistrate No.2, Krishnagiri, and return the vehicle KL-34-E-0581, Ashok Leyland Mini to the Petitioner involved in Cr.No.172 of 2021 in the F.I.R of the Taluk Police Station, Krishnagiri.

For petitioner : Mr.R.Premanandhan

For Respondent : Mr.L.Baskaran
Government Advocate (Cr1. Side)

ORDER

When the case was taken up for hearing on 13.06.2022, there was no representation on behalf of the Petitioner. Therefore, the case was directed to be posted on 17.06.2022 under the caption 'for dismissal'.

2. Today (i.e,17.06.2022) when the case came up for hearing, the learned Counsel for the Petitioner offered his apologies and proceeded with the arguments. It is the contention of the learned Counsel for the Petitioner that the Petitioner is not arrayed as Accused. He is the owner of the vehicle bearing No. KL-34-E-0581 which was seized by the Respondent police for transportation of liquor without any valid licence. He submits that the Petition has been filed seeking custody of the vehicle.

3. The learned Government Advocate (Crl.Side) vehemently objects to the submissions made by the learned Counsel for the Petitioner stating that the vehicle was seized for transportation of liquor without valid licence. Therefore, as per the provisions of the Tamil Nadu Prohibition Act, the Deputy Superintendent of Police, Krishnagiri District had attached the vehicle and proceeded to conduct public auction after assessing the value of the vehicle by the Automobile Engineer. Further, it is the submission of the learned Government Advocate (Crl. Side) that the Petitioner himself can appear before the Deputy Superintendent of Police, Prohibition Enforcement Wing, Krishnagiri District and seek relief to participate in the auction and take custody of the vehicle by filing appropriate Petition.

4. In the light of the submission made by the learned Government Advocate (Crl.Side), since the Deputy Superintendent of Police, Prohibition Enforcement Wing has proceeded as per the provisions of the Tamil Nadu Prohibition Act, this Court cannot exercise discretion under Section 482 of Cr.P.C. The Petitioner is directed to approach the Deputy Superintendent of Police, Prohibition Enforcement Wing.

With the above direction, this Criminal Original Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Taluk Police Station, Krishnagiri.
2. The No.2 Judicial Magistrate, Krishnagiri.
3. The Public Prosecutor, High Court, Madras.
4. The Deputy Superintendent of Police,
Prohibition Enforcement Wing, Krishnagiri.

+1cc to Mr.R.Prem Anandhan, Advocate SR. No. 36335

Crl.O.P.No.23964 of 2021

BR (CO)
PR (04/07/2022)