



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

WEB COPY

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.RC.No.1066 of 2021

Mr.N.Naseef Shah

... Petitioner

Vs.

State rep by
The Inspector of Police,
PEW Ambattur, Chennai

.... Respondent/Complainant

PRAYER : Criminal revision is filed under Section 397 r/w.401 of Criminal Procedure Code to call for the records, relating to the Order dated 17.08.2021 of the Judicial Magistrate No.II, Poonamallee in Crl.MP.3884 of 2021 to set aside the same.

For petitioner : Mr.Sathyanathan

For respondent : Mr.S.Sugendran, GA (Crl.side).

O R D E R

(This case has been heard through video conference)

This criminal revision has been filed against the order dated 17.08.2021 passed by the Judicial Magistrate No.II, Poonamallee in Crl.MP.3884 of 2021 dismissing the petition seeking for return of vehicle.

2. The learned counsel for the petitioner would submit that the petitioner is the owner of the car bearing Registration No.TN09 CE 6324, the vehicle was seized by the respondent/police in connection with the case registered in Cr.No.367 of 2020 for the offences under Section 4(1)(aa) TNP Act for transporting illicit liquor. The petitioner is not accused in this case. The petitioner had filed Crl.MP.No.3884 of 2021 seeking for return of property. The trial Court holding that the vehicle had been confiscated by an order dated 11.08.2021 had dismissed the petition. He would submit that neither any show cause notice nor the confiscation order was served on the petitioner, thereby he would seek to set aside the order.



3. The learned Government Advocate (crl. side) would submit that the confiscating authority had issued show cause notice to the petitioner on 13.10.2020 and it was received by the petitioner on 14.10.2020. He has given his reply dated 20.10.2020 and after affording opportunity to the petitioner, the confiscating authority has confiscated the vehicle by an order dated 17.11.2020 in ந.க.எண்.02/கா.உ.ஆ.ம.வி.அ.பி./பொது./20. If at all the petitioner is agreed, he has to approach the concerned Sessions Court by filing an appeal as against the order.

4. At this juncture, the learned counsel for the petitioner would submit that he has not been served with the copies of the show cause notice and he has not been served with the order of the confiscation proceedings.

5. In view of the vehicle being confiscated, liberty is granted to the petitioner to approach the concerned Sessions Court by filing an appeal as contemplated with law.

6. In the result, the criminal revision stands dismissed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.II,
Poonamallee.
2. -do- Through' The Chief Judicial Magistrate,
Thiruvallur.
3. The The Inspector of Police,
PEW Ambattur, Chennai.
4. The Public Prosecutor,
High Court, Madras.

Crl.RC.No.1066 of 2021.

GJ (CO)
GMY (28/01/2022)