



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

CORAM:

THE HON'BLE MR. JUSTICE N.SESHASAYEE

CRIMINAL REVISION CASE NO.1136 OF 2021

Balamurugan

... Petitioner

Versus

State by
Inspector of Police,
Prohibition Enforcement Wing,
Cheyyar,
Thiruvannamalai District.
(Crime No.441 of 2021)

... Respondent

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the learned Judicial Magistrate, Cheyyar Tiruvannamalai District, to set aside the order made in Crl.M.P.No.1098 of 2021 dated 08.11.2021 and to order return of the above said vehicle viz., Honda Unicon bearing Registration, new vehicle, Chasing No.ME4KC401CMA247190, Engine No.KC40EA0247192, concerned in Crime No.441 of 2021 on the file of the Inspector of Police, Prohibition Enforcement Wing, Cheyyar, Thiruvannamalai District to the custody of the petitioner herein.

For Petitioner : Mr.A.Murugavel

For Respondents: Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

O R D E R

This Revision is preferred against an order in Crl.M.P.No.1098 of 2021 dated 08.11.2021 by the learned Judicial Magistrate, Cheyyar Tiruvannamalai District, rejecting the petitioner's plea for return of vehicle under Section 451 and 457 of Cr.P.C. The vehicle involved is a Honda Unicon bearing Chasing No.ME4KC401CMA247190. The offence is that this vehicle was involved in possession of 35 litres Cans of 25 Cans liquor.



2.The revision petitioner is arrayed as A1 in Crime No.441 of 221 on the file of the respondent police for the offence under Section 4(1) (aaa) read with 4(1-A) of TNP Act and Section 6 and 7 of TN Rectified Spirit Rules 2000 Act, in which, the investigating agency in the course of his investigation has also seized unregistered Motor Cycle of the revision petitioner. While he moved the concerned Magistrate Court in Crl.M.P.No.1098 of 2021 for return of the aforesaid vehicle, the same came to be dismissed. Aggrieved by the order of the learned Magistrate dated 08.11.2021, this revision has been filed.

3.Learned Government Advocate(Crl.Side) submitted that the confiscation proceedings have been initiated.

4. Since the parties concerned have initiated the confiscation proceedings, the revision petitioner is now directed to participate in the enquiry intended for confiscation of his vehicle.

5.With the above directions, the Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msv

To

1. The Judicial Magistrate,
Cheyyar Tiruvannamalai District
2. Do-thro The Chief Judicial Magistrate,
Tiruvannamalai.
3. The Inspector of Police,
Prohibition Enforcement Wing,
Cheyyar,
Thiruvannamalai District.
4. The Public Prosecutor,
High Court, Madras.

Criminal Revision Case No.1136 of 2021

KG(CO)
PM/09/03/2022