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Crl.R.C.No.1444 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1444 of 2022

E.Gangadharan

... Petitioner

Versus

State by
Inspector of Police,
Prohibition Enforcement Wing,
Mamallapuram,
Chengalpattu District,
Crime No.94 of 2022.

... Respondent

Criminal Revision Case filed under Sections 397 and 401 of Criminal Procedure Code to call for the records of the learned District Munsif-cum-Judicial Magistrate Court, Thirukalukundram, Chengalpattu District, set aside the order made in Crl.M.P.No.2684 of 2022 dated 10.10.2022 and order return of the vehicle viz. Maruthi Suzuki Dzire Car bearing registration No.TN 04 AT 8785, Chasing No.MA3ZF63SHM252275, Engine No.K12MN2137606, concerned in Crime No.94 of 2022 on the file of the Inspector of Police, Prohibition Enforcement Wing, Mamallapuram, Chengalpattu District to the custody of the petitioner herein.

For Petitioner : Mr.A.Murugavel

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

This Criminal Revision Case has been filed against the order dated 10.10.2022 passed in Crl.M.P.No.2684 of 2022 by the learned District Munsif-cum-Judicial Magistrate, Thirukalukundram, Chengalpattu District.

2.It is the case of the petitioner that the respondent police registered a case in Crime No.94 of 2022 against him for the offence under Sections 4(1)(aaa) read with 4(1-A) of Tamil Nadu Prohibition Act, 1937 and seized the vehicle viz., bearing Registration No.TN 04 AT 8785, Chasis No.MA3 ZF63SHM252275, Engine No.K12 MN2 137606. The petitioner filed a petition in C.M.P.No.2684 of 2022 before the learned District Munsif-cum-Judicial Magistrate, Thirukalukundram seeking interim custody of the said vehicle and the said petition was dismissed. Aggrieved over the same, the petitioner has preferred the present revision case.

3.The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and he is no way connected with the alleged offence. Further, the vehicle in question is left idle in the open space thereby, the condition of the vehicle is getting deteriorated and the value of the vehicle

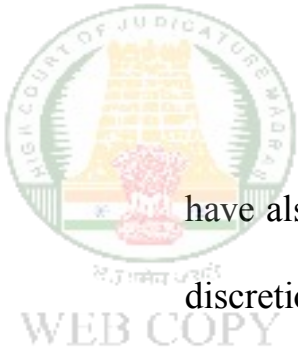


is lost thereby, putting the petitioner to hardship and hence, he seeks interim custody of the vehicle and that he would abide by stringent conditions, if any, to be imposed on him.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that since the petitioner was alleged to have used the said vehicle for illegal transportation of liquor bottles, a case was registered against him under Prohibition Act. He further submitted that investigation is pending and charge sheet has not yet been filed and confiscation proceedings have also been initiated and hence, the vehicle in question cannot be released at this stage.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and also perused the materials available on record.

6. Admittedly, the vehicle in question was alleged to have involved in illegal transportation of liquor bottles and in the case on hand investigation is pending and charge sheet has not yet been filed and confiscation proceedings



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have also been initiated. Pending investigation, return of the vehicle is purely discretionary power of the Court. Therefore, the learned Magistrate by exercising the discretionary jurisdiction has dismissed the petition filed by the petitioner. This Court, while exercising the revisional jurisdiction cannot conduct roving enquiry at this stage and also this Court does not find any arbitrariness and *mala fides* in the order passed by the learned Magistrate.

8. In view of the above, this Court does not find any perversity or infirmity in the order passed by the Court below. Accordingly, this Criminal Revision case is dismissed.

28.10.2022

Index : Yes/No
Speaking Order/Non Speaking Order
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To

- 1.The District Munsif-cum-Judicial Magistrate,
Thirukalukundram, Chengalpattu District.
- 2.The Inspector of Police,
Prohibition Enforcement Wing,
Mamallapuram,
Chengalpattu District,
- 3.The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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