



WEB COPY



Crl.OP.No.31190 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31190 of 2022

C.K.Suresh

... Petitioner

Vs.

State Rep. by
The Sub Inspector of Police,
Attur Rural Police Station,
Salem,
Crime No.238 of 2021

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the docket order dated 10.11.2022 made in Crl.M.P.SR.No.4813 of 2022 on the file of the Judicial Magistrate No.I, Attur and consequently direct the learned Judicial Magistrate No.I, Attur to consider the petition on merits after giving opportunity to the petitioner herein.

For Petitioner

: Mr.W.Camyles Gandhi

For Respondent

: Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed seeking direction to set aside the docket order dated 10.11.2022 made in Crl.M.P.SR.No.4813 of 2022 on the file of the Judicial Magistrate No.I, Attur and consequently direct the learned Judicial Magistrate No.I, Attur to consider the petition on merits after giving opportunity to the petitioner herein.

2. On perusal of the records, it is seen that, the petitioner along with other accused got acquitted in C.C.No.182 of 2021 on the file of the learned Judicial Magistrate No.1, Attur, Salem vide Judgement dated 25.08.2022. Thereafter, the petitioner filed a petition under section 452 of Cr.P.C seeking relief for return of his vehicle, however, the said petition was returned by the learned Judicial Magistrate vide Docket order dated 10.11.2022 for the reason stating that four wheeler bearing Reg.No.TN 29 BD 4114 was not produced before the Court.

3. The learned Government Advocate (Crl. Side) submitted that, a case against the petitioner was registered in Crime No.238 of 2021 for the offence



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under Section 4(1)(aaa) of Tamil Nadu Prohibition Act, 1937, for which, confiscation proceedings were initiated and the order of confiscation proceedings was also communicated to the petitioner in Na.Ka.No.64/ASP/ P.M/S/2021 dated 24.08.2021.

4. Recording the submission made by the learned Government Advocate (Crl. Side), this Criminal Original Petition is disposed of with a direction to the petitioner to work out the remedy in the manner known to law.

19.12.2022

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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G.CHANDRASEKHARAN,J.

sma

To

1. The Sub Inspector of Police,
Attur Rural Police Station,
Salem,
2. Judicial Magistrate I,
Attur.
3. The Public Prosecutor,
Madras High Court.

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