



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.04.2022**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Crl.R.C. (MD)No.347 of 2022

P.Arjunan ... Petitioner/ Petitioner/
Owner of Vehicle

Vs.

The State represented by
The Inspector of Police,
Subramaniyapuram Police Station,
Madurai District,
Crime No.656 of 2021

... Respondent/ Respondent/ Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order passed in Crl.M.P.No.41 of 2022, dated 09.02.2022 on the file of the Judicial Magistrate No.IV, Madurai and to set aside the same.

For Petitioner : Mr.R.Selvaraj

For Respondent : Mr.M.Aasha
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Case has been filed to set aside the order passed in Crl.M.P.No.41 of 2022, dated 09.02.2022, on the file of the Judicial Magistrate No.IV, Madurai, thereby, dismissed the petition for return of vehicle filed under Section 451 Cr.P.C.

2. The petitioner is the owner of the vehicle, namely, Auto, bearing Registration No.TN-58-BC-6079. It was taken for hire on 16.12.2021. While being so, on 17.12.2021, the said vehicle was driven by one Mahendran, who had illegally transported liquor bottles without any licence. In pursuant to the same reason, the respondent Police registered a case in Crime No.656 of 2021 for the offence under Section 4(1)(aa) of Tamil Nadu Prohibition Act. In pursuant to the said crime the vehicle was seized and produced before the Court below. The petitioner, being the owner of the vehicle, filed a petition for return of vehicle under Section 451 Cr.P.C.

3. A perusal of the records revealed that the respondent after seizing of the vehicle handed over the said Auto before the Sub-



Inspector of Police Prohibition enforcement wing on 20.12.2021 and confiscation proceedings are initiated under Section 14 (4) of Tamil Nadu Prohibition Act, 1937.

4. The learned Government Advocate (Criminal Side) submitted that notice has been issued to confiscate the vehicle and the same was admittedly received by the petitioner on 10.02.2022 and the confiscation proceedings is pending on the file of the Prohibition enforcement wing, Madurai. The Court below has rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

5. Accordingly, this Criminal Revision Case is dismissed. However, the petitioner is at liberty to challenge the confiscation order, if so advised, in the manner known to law.

Sd/-

Assistant Registrar (As)

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/ /2022

Sub Assistant Registrar(CS)

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To:-

1. The Judicial Magistrate No.IV,
Madurai.
2. The Inspector of Police,
Subramaniyapuram Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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