



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD) No.395 of 2022

Natarajan

... Petitioner/Petitioner
Vs.

The Inspector of Police,
Peraiyur Police Station,
Peraiyur,
Madurai District.
(Crime No.42 of 2022)

... Respondent/Respondent

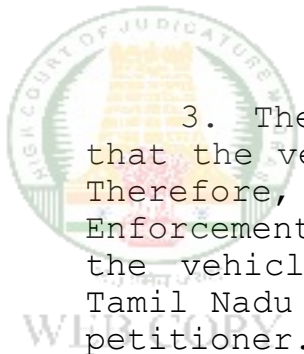
PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C., to call for the records in pertaining to the order of the learned District Munsif-Cum- Judicial Magistrate Court, Peraiyur, dated 10.03.2022 made in Crl.M.P.No. 144 of 2022 and set aside the same.

For Petitioner : Mr.T.Vadivelan
For Respondent : Mrs.M.Aasha
Government Advocate (Criminal Side)

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the learned District Munsif-Cum-Judicial Magistrate Court, Peraiyur, dated 10.03.2022, made in Crl.M.P.No. 144 of 2022 and thereby, directing the respondent to allow the petition for directing the respondent to produce the vehicle before the Court.

2. The petitioner is an accused in Crime No. 42 of 2022 registered for the offence under Section 4(1)(a) of the Tamil Nadu Prohibition Act. On the allegation that on 23.03.2022, the respondent police intercepted the vehicle and found that the petitioner was illegally in possession of carrying 180 ml Express 8 bottles, 180 ml Golden Eagle 8 bottles and 180 ml Honey Day 11 bottles, totally 27 bottles in the vehicle, namely, TATA ACE Van, bearing Registration No.TN-76-X-0856. In pursuant to the registration of FIR, the vehicle has been seized from the petitioner. While pending investigation, the petitioner filed a petition for direction before the Court below to direct the respondent to produce the vehicle in Crime No.42 of 2022. The Court below by order, dated 10.03.2022 directed the respondent to produce the vehicle within a period of one week from the date of receipt of a copy of this order. However, the said order was complied with by the second respondent and as such, the petitioner has filed this revision.



3. The learned Government Advocate (Criminal Side) submitted that the vehicle was seized for the offences under Section TNP Act. Therefore, the vehicle was produced before the DSP, Prosecution and Enforcement Wing (PEW) to confiscate the said vehicle. Admittedly, the vehicle was seized for the offence punishable under Section Tamil Nadu Prohibition Act. Therefore, it cannot be returned to the petitioner. Since the vehicle should be confiscated when it was involved for the offences under Section Tamil Nadu Prohibition Act. In fact, the DSP, Prosecution and Enforcement Wing (PEW) had already taken steps to initiate confiscation proceedings and in pursuant to which, the petitioner was served with a show-cause notice, dated 12.03.2022.

4. In view of the above, the prayer sought for in this Criminal Revision Case cannot be considered and liable to be dismissed. Accordingly, this Criminal Revision Case is dismissed. The DSP, Prosecution and Enforcement Wing (PEW) is directed to complete the confiscation proceedings within a period of four weeks from the date of receipt of a copy of this order on merits and in accordance with law.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

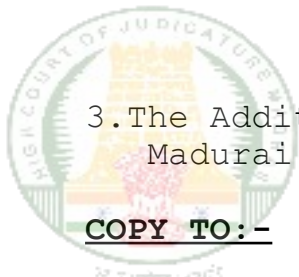
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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Munsif-Cum- Judicial Magistrate Court,
Peraiyur.

2.Inspector of Police,
Peraiyur Police Station,
Peraiyur,
Madurai District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:-

1.The Deputy Superintendent of Police,
Prosecution and Enforcement Wing (PEW),
Madurai.

2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

Crl.R.C.(MD) No.395 of 2022
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