



W.P. (MD) No. 28241 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2022

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEAVALU

W.P. (MD) No. 28241 of 2022

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... Petitioner

Vs.

1.The Additional Superintendent of Police,
Prohibition and Excise Wing (PEW),
Virudhunagar District,
Virudhunganar.

2.The Inspector of Police,
Vempakottai Police Station,
Vempakottai,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the first respondent to release the vehicle of the petitioner by branding name Splendor Plus of Hero Honda company bearing Reg No. TN 95 F 8843 pending disposal of the confiscation proceedings of the first respondent in C.No. 76-1/CONF/DSP/PEW/VNR/2022 in connection with FIR in Crime No. 301/2022 on the file of the second respondent.



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For Petitioner : Mr. A.Balaji
For Respondents : Ms. M.Asha
Government Advocate (Crl.Side)

ORDER

Heard Mr. A.Balaji, Learned Counsel for the Petitioner and Ms. M.Asha, Learned Government Advocate (Criminal Side), who takes notice for the First and Second Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. This Writ Petition has been filed directing the First Respondent to release the vehicle of the Petitioner bearing Reg. No. TN 95 F 8843, pending disposal of the confiscation proceedings of the First Respondent in C.No. 76-1/CONF/DSP/PEW/VNR/2022, in connection with FIR in Crime No. 301/2022, on the file of the second Respondent.

3. The Second Respondent has appeared before the Court today and filed a memo dated 15.12.2022 stating as follows:-



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“It is submitted that on 25.10.2022 at about 12.40 PM this 2nd Respondent Officials seized Two wheeler bearing Registration No. TN 95 F 8843 with 48 numbers of 180 ML Express Brandy and 6 numbers of 650 ML British Empire of Liquor Bottles. We registered the case against the petitioner in Cr.No.301 of 2022 dated 25.10.2022 U/s 4(1)(a) of TNP Act. The Two Wheeler is under the custody of this 2nd Respondent Police. We sent requisition to 1st Respondent to initiate the confiscation proceedings. The 1st Respondent sent Show Cause notices dated 16.11.2022 and 01.12.2022 and the Confiscation Proceedings is pending before 1st Respondent. In this case we have filed charge sheet before the Judicial Magistrate No.II, Sattur and the same was taken on file in S.T.C.No.999 of 2012. The petitioner herein admitted the offence and convicted with fine amount of Rs.1,000/-. The Petitioner / Accused has paid the fine amount on 12.11.2022 and thus this case was disposed by Judicial Magistrate No.II, Sattur. To that effect I filed this memo before this Hon'ble Court.”

4. In view of the same, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to file



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necessary application for the return of property under the relevant provisions of the Code of Criminal Procedure, 1973, before the Learned Judicial Magistrate No.II, Sattur, and he has made an endorsement to that effect in the court record. If such application is filed, the Learned Judicial Magistrate No.II, Sattur, shall dispose the same expeditiously following the prescribed procedure in accordance with law.

In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. No costs.

15.12.2022

Index : Yes/No

Internet : Yes/No

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Note: Issue order copy by 27.12.2022.

To:

- 1.The Additional Superintendent of Police,
Prohibition and Excise Wing (PEW),
Virudhunagar District,
Virudhunganar.
- 2.The Inspector of Police,
Vempakottai Police Station,
Vempakottai,
Virudhunagar District.



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Copy to

The Judicial Magistrate No.II,
Sattur.



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P.D.AUDIKESAVALU,J.

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