



WEB COPY



CrI.R.C.No.80 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

CrI.R.C.No.80 of 2023

Sakthivel

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.
(Crime No.490 of 2022)

... Respondent

PRAYER : Criminal Revision has been filed under Section 397 r/w.401 of Criminal Procedure Code, to set aside the order dated 21.07.2022 made in C.M.P.No.1850 of 2022 on the file of the Judicial Magistrate, Sankarapuram and to allow the Revision.

For Petitioner : Mr.S.Parameswaran

For Respondent : Mr.V.Meganathan,
Govt. Advocate (CrI.Side)



Crl.R.C.No.80 of 2023

ORDER

WEB COPY This Criminal Revision has been filed to set aside the order dated 21.07.2022 made in C.M.P.No.1850 of 2022 on the file of the Judicial Magistrate, Sankarapuram and to allow the Revision.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. The petitioner is the owner of the motorcycle TVS Radeon bearing Registration No.TN 15 MB 8742 which was seized in connection with Crime No.490 of 2022 under Section 4(1)(aa) 4(1-A) TNP Act, Sankarapuram Police Station. The petitioner being the owner of the property, has filed a petition under Section 457 of Cr.P.C., for return of the same on interim custody. The learned Magistrate had chosen to dismiss the petition by observing that the return of the property cannot be passed under Sections 451 and 457 of Cr.P.C., in view of the special provision under Section 14 of the TNP Act.

4. The learned counsel for the petitioner submitted that the petitioner being the owner of the property is entitled to get the interim custody of the



same and the petition filed by the petitioner was not properly considered by the learned Magistrate. It is further submitted that the petitioner is willing to abide any conditions imposed and to produce the vehicle as and when required by the Court.

5. The learned Government Advocate (Crl.Side) submitted that the vehicle recovered is in connection with the case registered under TNP Act and hence that can only be dealt under Section 14 of the Act.

6. As per Section 14 of the Act, the District Collector is the competent authority who can initiate proceedings for confiscation of the vehicles seized in connection with the case registered under TNP Act. However the petitioner is at liberty to participate in the confiscation proceedings and put forth his points. Even if the confiscation order is passed after considering the submissions made by the petitioner, the petitioner is not remedy less and he can still file an appeal by invoking Section 14(5) of the TNP Act. In such circumstances, it is right for the learned Magistrate to dismiss the petition, in view of the special provision existing in the Special Act. Hence I find no reason to entertain this Revision



Crl.R.C.No.80 of 2023

WEB COPY 7. In the result, this Criminal Revision Petition is dismissed and the order dated 21.07.2022 made in C.M.P.No.1850 of 2022 on the file of the Judicial Magistrate, Sankarapuram, is confirmed.

20.01.2023

Index: Yes/No
Speaking / Non Speaking Order
gsk



Crl.R.C.No.80 of 2023

To
WEB COPY

- 1.The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.
- 2.The Judicial Magistrate,
Sankarapuram.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.R.C.No.80 of 2023

R.N.MANJULA, J.

gsk

Crl.R.C.No.80 of 2023

20.01.2023