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Crl.OP.No.3361 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3361 of 2023

Narayanamoorthy

... Petitioner

Vs.

The Station House Officer,
P.E.Wing, Villupuram Police Station,
Villupuram District.
Crime No.385 of 2022

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order dated 15.12.2022 made in Crl.R.P.No.134 of 2022 on the file of the Principal Sessions Court, Villupuram District dismissing the petition to return the Vehicle of Maruti Suzuki Swift Dzire Car bearing Registration No.TN-21-AS-5734 to the petitioner herein.

For Petitioner

: Mr.R.Sasikumar

For Respondent

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



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ORDER

This Criminal Original Petition has been filed to set aside the order dated 15.12.2022 made in Crl.R.P.No.134 of 2022 on the file of the Principal Sessions Court, Villupuram District dismissing the petition to return the Vehicle of Maruti Suzuki Swift Dzire Car bearing Registration No.TN-21-AS-5734 to the petitioner herein.

2. The learned counsel for the petitioner submitted that petitioner's vehicle Maruti Suzuki Swift Dzire Car bearing Registration No.TN-21-AS-5734 was seized by the respondent police in connection with Crime No.385 of 2022 registered for the offence under Sections 4(1)(a) of TNP Act. Thereafter, petitioner filed Crl.M.P.No.1435 of 2022 on the file of the Judicial Magistrate No.II, Villupuram seeking interim custody of his vehicle. The learned Magistrate dismissed the petition relying on the judgment of the **Hon'ble Supreme Court of Minda in State of M.P Vs.Uday Singh {(2020)12SCC 735}**, wherein it is held as follows:

“The Jurisdiction under Section 451 Cr.P.C was not available to the



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Magistrate, if the authorized officer initiated confiscation proceedings.”

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Challenging the dismissal order, petitioner filed revision petition in Crl.R.P.No.134 of 2022 on the file of the Principal Sessions Judge, Villupuram. However, learned Judge dismissed the revision petition on 15.12.2022. Therefore, this petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that confiscation proceedings was initiated against the petitioner's vehicle and it is pending.

4. In the light of the submissions made by the counsels of both the parties and learned Magistrate dismissed the petition relying on the judgment of the **Hon'ble Supreme Court of Minda in State of M.P Vs.Uday Singh {(2020)12SCC 735}** wherein it is held that “The Jurisdiction under Section 451 Cr.P.C was not available to the Magistrate, if the authorized officer initiated confiscation proceedings.”, this Court finds no reason to take different view in the matter. The order of the learned Principal Sessions Judge,



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Villupuram made in Crl.R.P.No.134 of 20222 is hereby confirmed.

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5. Accordingly, this Criminal Original Petition is dismissed.

14.02.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

Sma

To

1. Principal Sessions Judge,
Villupuram.
2. The Judicial Magistrate No.II,
Villupuram.
- 3.The Station House Officer,
P.E.Wing, Villupuram Police Station,
Villupuram District.
- 4.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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