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Crl.R.C.No.308 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.Rc.No.308 of 2023

Mohanakrishnan

... Petitioner

Vs.

State rep by the Inspector of Police,
P.E.W.Madhuranthakam Police Station,
Chengalpattu District.
Crime No.440/2022

...Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, 1973 to set aside the order dated 12.01.2023 made in Crl.MP No.3893/2022 on the file of the Judicial Magistrate No.1, Madhuranthakam, Chengalpattu District and to return the vehicle Honda City Car bearing Registration No.PY-01-CC-5434 to the petitioner.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.V.Meganathan

Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Petition has been filed to set aside the order dated 12.01.2023 made in Crl.MP No.3893/2022 by the learned Judicial Magistrate No.1, Madhuranthakam, Chengalpattu District and to return the Honda City Car bearing Registration No.PY-01-CC-5434 to the petitioner/owner of vehicle.

2. It is the case of the petitioner that, he is the owner of Honda City Car bearing Registration No.PY-01-CC-5434; and a case in Crime No.440/2022 was registered for the offences punishable Sections 4(1)(aaa), 4(1-A) of Tamil Nadu Prohibition Act r/w Section 6 and 11 of Tamil Nadu Restricted Sprit Rules 2000 against three persons namely Velu (Velu Chettiyar, 2. Murugan, 3. Kaviyarasan alleging that they transported 105 litters of ID arrack; and in that crime, his vehicle was seized by the respondent police. Further, the petitioner filed a petition in Crl.M.P.No.3893/2022 to return the vehicle, however, it was dismissed by the Trial Court, vide order dated 12.01.2023. Aggrieved over the same, this



Criminal Revision Case has been filed.

3. The learned counsel for the petitioner submitted that, the petitioner is not an accused in the above case and he has no knowledge about the alleged transportation of ID arrack. Hence, the impugned order passed by the Trial Court may be set aside and the respondent may be directed to return the vehicle to the interim custody of the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that, pending petition before the Trial Court, the respondent police, initiated confiscation proceedings. He further submitted that the respondent had issued show cause notice to the petitioner and since confiscation proceedings is pending, the Trial Court has dismissed the petition. Hence, the order passed by the Trial Court does not warrant any interference by this Court and pleaded for dismissal of the Criminal Revision Case.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.Side) and I have perused the materials on record.

6. It is an admitted fact that, pending petition in Crl.M.P. No.3893/2022 before the Trial Court, confiscation proceedings has been initiated and show cause notice was also sent to the petitioner. Therefore, this Court is of the view that the Trial Court has rightly dismissed the petition filed by the petitioner to return the vehicle, since the confiscation proceedings is already initiated. As such, the impugned order passed by the Trial Court does not warrant any interference by this Court.

7. Accordingly, this Criminal Revision Case is dismissed. However, the petitioner is at liberty to appear before the Confiscation Authority seeking remedy.

22.02.2023

Index: Yes/No
Internet: Yes/No
mst

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To

1. Judicial Magistrate No.1, Maduranthagam.
2. The Public Prosecutor, Madras High Court.



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V.SIVAGNANAM, J.,

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