



Crl.R.C.No.525 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 20.03.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

**Crl.Rc.No.525 of 2023**

Veeran

... Petitioner

Vs.

The Sub Inspector of Police,  
Elavanasurkottai Police Station,  
Kallakurichi District.

... Respondent

**PRAYER:** Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, 1973 to set aside the order passed by the learned Judicial Magistrate No.I, Ulundurpet and to direct the respondent to return the petitioner's two wheeler bearing TN 15 C9474 to his custody.

For Petitioner : Mr.D.Babu Varadharajan

For Respondents : Mr.R.Vinothraja,  
Govt.Advocate (Crl.side)



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## **ORDER**

This Criminal Revision Petition has been filed, seeking to set aside the order passed by the learned Judicial Magistrate No.I, Ulundurpet and to direct the respondent to return the petitioner's two wheeler bearing TN 15 C9474 to his custody.

2. It appears that the petitioner who claims to be the owner of the two wheeler bearing TN 15 C97474 is aggrieved by the impugned order passed by the learned Magistrate, rejecting the custody of the vehicle to the petitioner. The said vehicle has been seized by the respondent police from the petitioner in connection with Crime No.33 of 2022.

3. When this matter is taken up, the learned Govt.Advocate (Crl.side) would submit that the learned Magistrate, after taking note of the fact that the confiscation proceedings are pending in respect of the vehicle seized by the respondent police, dismissed the petition filed by the petitioner seeking interim custody of the vehicle and hence, he would submit that the order



passed by the learned Magistrate requires no interference.

4. On a perusal of the record, it reveals that the respondent police has registered a case against the petitioner in Crime No.33 of 2022 for the offences punishable under Sections 4(1)(a) TN Prohibition Act and seized the two wheeler of the petitioner which was used in illegal transporting of TOP STAR BRANDY bottles without permission. It is submitted by the learned Government Advocate (Crl.side) that the confiscation proceedings are pending in respect of the seized vehicle before the concerned authority and more over, the vehicle was not produced before the Court below. In such circumstances, the learned Magistrate has rightly dismissed the petition as not maintainable.

5. The Hon'ble Supreme Court of India in its judgment in “***State of M.P. Vs. Uday Singh*** [(2020) 12 SCC 733] has held as follows:-

“29.4 ...The jurisdiction under Section 451 Cr.P.C. was not available to the Magistrate, once the authorised officer initiated confiscation proceedings.”



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**V.SIVAGNANAM, J.,**

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6. Having regard to the above, this Court also is of the opinion that once the confiscation proceedings are initiated and pending, it is not desirable to hand over the interim custody of the vehicle to the petitioner and accordingly, this Court does not find any infirmity in the order passed by the learned Magistrate in order to interfere with the same.

7. Hence, the Crl.Revision Case is dismissed. The petitioner can work out his remedy before the competent authority and participate in the confiscation proceedings.

**20.03.2023**

Index: Yes/No

Internet: Yes/No

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**To**

1. The Judicial Magistrate No.I,  
Coimbatore.

2.The Public Prosecutor,  
High Court of Madras, Chennai.

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