



Crl.R.C.No.1114 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

C O R A M

THE HONOURABLE Mr.JUSTICE V.SIVAGNANAM

Crl.R.C.No.1114 of 2023

Venkatraman

.. Petitioner

-Vs.-

The Inspector of Police,
Krishnagiri Police Station,
Krishnagiri
(Crime No.28 of 2023)

.. Respondent

Prayer: Criminal Revision Case filed under Sections 397 r/w 401 of Cr.P.C to set aside the order dated 26.04.2023 made in Crl.M.P.No.1456 of 2023 in Crime No.28 of 2023 on the file of the Judicial Magistrate No.1, Krishnagiri and consequently direct the respondent Police to return the petitioner property of Rs.1,39,500/- by allowing this criminal revision petition.

For Petitioner ... Mr.J.Pradeep

For Respondent Mr.R.Vinothraja
Government Advocate(Crl.Side)



Crl.R.C.No.1114 of 2023

ORDER

Challenging the order dated 26.04.2023 passed by the learned Judicial Magistrate-1, Krishnagiri in Crl.M.P.No.1456 of 2023 in Crime No.28 of 2023, this Criminal Revision is filed by the petitioner.

2.The learned counsel for the petitioner submitted that the petitioner is the accused in Crime No.28 of 2023. The respondent Police registered a case against the petitioner in Crime No.28 of 2023 under Sections 4(1)(a) and 4(1-A) of TNP Act and seized 59 bottles of alcohol along with cash of Rs.1,39,500/-. The petitioner filed a petition in Crl.M.P.No.1456 of 2023 seeking for return of a sum of Rs.1,39,500/-, which was seized by the respondent. He further contended that the money seized by the police was not earned by selling alcohol and therefore, the petitioner is entitled to get back his money. The trial Court, without considering the said fact, dismissed the said petition. Hence, he seeks to set aside the impugned order and prays to allow this criminal revision.



Crl.R.C.No.1114 of 2023

3.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the investigation is pending in this case. The money has been seized along with 59 bottles of alcohol from the petitioner's hotel. The trial Court has rightly dismissed the petition and there is no ground to interfere with the finding of the said order.

4.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondent and perused the materials available on record.

5.On perusal of the impugned order, it is noticed that the respondent Police inspected the petitioner's hotel and seized 59 liquor bottles along with a cash of Rs.1,39,500/-. Hence, the respondent Police registered a case against the petitioner in Crime No.28 of 2023 under Sections 4(1)(a) and 4(1-A) of TNP Act. Now, the petitioner was released on bail. Before the trial Court, the petitioner filed a petition in Crl.M.P.No.1456 of 2023 in Crime No.28 of 2023 seeking interim



Crl.R.C.No.1114 of 2023

custody of the amount seized by the respondent Police. The learned trial Judge dismissed the said petition on the ground that the investigation is pending. The amount has been seized along with 59 bottles of alcohol and now, it cannot be returned to the petitioner, since it is not advisable to return the money before completion of investigation. It is also noticed that the disputed amount has been seized by the respondent Police along with 59 bottles of alcohol from the petitioner while selling liquor in his hotel. Under these circumstances, the petitioner is unable to prove that the disputed amount was not earned by selling alcohol. Therefore, I find no infirmity in the order passed by the trial Court. Accordingly, this criminal revision petition is dismissed.

26.06.2023

srn

To

1. The Judicial Magistrate No.1, Krishnagiri.
2. The Inspector of Police, Krishnagiri Police Station, Krishnagiri



WEB COPY



Crl.R.C.No.1114 of 2023

V.SIVAGNANAM, J.,

srn

Crl.R.C.No.1114 of 2023

26.06.2023