



Crl.R.C.No.1456 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.1456 of 2023

Dhivya Lokesh

... Petitioner

Vs.

State Rep. by

The Inspector of Police,

P.E.W. Madhuranthakam Police Station,

Chengalpattu District.

... Respondent

(Crime No.433/2022)

Prayer : Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the order dated 08.09.2022 made in C.M.P.No.2674/2022 passed by the Judicial Magistrate Court No.1, Madhuranthakam, Chengalpattu District, dismissing the petition to return the Volkswagen Car bearing Reg.No.KA-05-MT-1539 to the petitioner herein.



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For Petitioner : No appearance

For Respondent : Mr.R.Vinothraja, GA (Crl. Side)

ORDER

When the matter is taken up for hearing today, there is no representation for the revision petitioner.

2.The present Criminal Revision is filed against the orders dated 08.09.2022 in C.M.P.No.2674/2022 passed by the Judicial Magistrate Court No.1, Madhuranthakam, Chengalpattu District.

3.The revision petitioner filed the abovesaid Criminal Miscellaneous Petition under Sections 457 Cr.PC for return of property, namely, Volkswagon Car bearing Reg.No.KA-05-MT-1539, which was seized on 29.05.2022 in connection with Crime No.433/2022 of P.E.W. Madhuranthakam Police Station for the offence under Sections 4(1)(aaa), 4(1-A) & 7 (a) of Tamil Nadu Prohibition Act and r/w. 7 & 11 of Tamil



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Tamil Nadu Rectified Sprit Rules Act, 2000.

4.The learned Judicial Magistrate No.1, Madhuranthakam vide orders dated 08.09.2022, dismissed the said petition on the ground that since the prosecution has initiated proceedings under Section 14(4) of the Tamil Nadu Prohibition Act and the seized property, namely the vehicle, was also handed over to the Deputy Superintendent of Police, Prohibition Enforcement Wing, Chengalpattu, the vehicle cannot be returned to the present revision petitioner.

5.Mr.R.Vinothraja, learned Government Advocate (Crl.side) contended that pursuant to the confiscation proceedings initiated by the respondent police, the Deputy Superintendent of Police, Prohibition Enforcement Wing, Chengalpattu District, issued a show cause notice dated 10.08.2022 in C.No.01/DSP/PEW/CPT/2022 to the owner of the vehicle under Section 14(4) of the Tamil Nadu Prohibition Act, 1937.



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6. In the circumstances, I do not see any reason to interfere with the orders passed by the trial court judge.

7. In the result,

- i. the Criminal Revision Case is dismissed at the admission stage itself.
- ii. the orders dated 08.09.2022 passed in C.M.P.No.2674 of 2022 on the file of the Judicial Magistrate Court No.1, Madhuranthakam, is confirmed.

28.08.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

To

1.The Inspector of Police, P.E.W. Madhuranthakam Police Station,
Chengalpattu District.

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2.The Judicial Magistrate Court No.1, Madhuranthakam.

R. HEMALATHA, J.
mtl

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