



Crl.R.C.No.1402 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

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

Crl.R.C.No.1402 of 2023

Pachamuthu

... Petitioner

Vs.

State Rep. by
The Sub-Inspector of Police,
Karumandhurai Police Station,
Salem District.
(Crime No.30/2023)

... Respondent

Prayer : Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code to set aside the order passed by the Judicial Magistrate Court No.2, Attur made in Crl.M.P.No.1478 of 2023 dated 28.04.2023 and consequently direct the respondent police to return 'Mahindra Maxx Pickup' vehicle bearing registration No.TN54-0383.

For Petitioner : Mr.S.Sathish

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



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ORDER

The present Criminal Revision is filed against the orders dated 28.04.2023 passed in Crl.M.P.No.1478 of 2023 on the file of the Judicial Magistrate Court No.2, Attur.

2.The revision petitioner filed the above said Criminal Miscellaneous Petition under Section 457 of Cr.P.C. for return of property, namely, 'Mahindra Maxx Pickup' vehicle bearing registration No.TN 54 0383 which was seized on 25.02.2023 in connection with Crime No.30/2023 of Karumandhurai Police Station, Salem District for the offences punishable under Sections 4(1)(g), 4(1)(aaa) & 4(1-A) of Tamil Nadu Prohibition Act.

3.The learned Judicial Magistrate No.2, Attur vide his orders dated 28.04.2023 dismissed the said petition on the ground that since the prosecution has initiated proceedings under Section 14 of the Tamil Nadu Prohibition Act and the seized property was also handed over to the Additional Superintendent of Police (PEW), Salem, the vehicle cannot be returned to the present revision petitioner.



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4. When the matter is taken up for hearing today, the learned Government Advocate (Crl. Side) also contended that pursuant to the confiscation proceedings initiated by the Additional Superintendent of Police (PEW), Salem had issued notice to the owner of the vehicle under Section 14(4) of the Tamil Nadu Prohibition Act, 1937 and that the confiscation proceedings had already been initiated.

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

6. In the result,

i. the Criminal Revision Case is dismissed.

ii. the order dated 28.04.2023 passed in

Crl.M.P.No.1478 of 2023 on the file of the Judicial

Magistrate Court No.2, Attur, is confirmed.

09.08.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

mtl



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To

1.The Sub-Inspector of Police, Karumandhurai Police Station, Salem District.

2.The Judicial Magistrate Court No.2, Attur



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R. HEMALATHA, J.
mtl

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