



Crl.R.C.No.1586 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

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

Crl.R.C.No.1586 of 2023

R.Vinodhkumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Prohibition Enforcement Wing,
Madhuranthagam Police Station,
Madhuranthagam,
Chengalpet District.
(Crime No.709/2022)

... Respondent

Prayer : Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code to set aside the order passed by the District Munsif cum Judicial Magistrate, Cheyyur made in Crl.M.P.No.638 of 2023 dated 20.03.2023 and consequently direct the respondent police to return Car 'Toyota Etios' bearing Registration No.PY 01 BT 7448.

For Petitioner : Mr.Swarnam J.Rajagopalan

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



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ORDER

The present Criminal Revision is filed against the orders dated 20.03.2023 passed in Crl.M.P.No.638 of 2023 on the file of the District Munsif cum Judicial Magistrate, Cheyyar.

2.The revision petitioner filed the above said Criminal Miscellaneous Petition under Section 457 of Cr.P.C. for return of property, namely, 'Toyata Etios' vehicle bearing registration No. PY 01 BT 7448 which was seized on 01.10.2022 in connection with Crime No.709/2023 of Maduranthakam Police Station, Prohibition Enforcement Wing, Chengalpet for the offences punishable under Sections 4(1)(aaa) & 4(1-A) of Tamil Nadu Prohibition Act.

3.The learned District Munsif cum Judicial Magistrate, Cheyyar vide his orders dated 20.03.2023 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 Deputy Superintendent of Police (PEW), Chengalpet, the vehicle cannot be returned to the present revision petitioner.



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4. Mr.R.Vinothraja, learned Government Advocate (Crl. Side) also contended that pursuant to the confiscation proceedings initiated by the Deputy Superintendent of Police (PEW), Chengalpet, a notice to the owner of the vehicle under Section 14(4) of the Tamil Nadu Prohibition Act, 1937 was issued and that the confiscation proceedings had already been initiated.

5. In the circumstance, 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 20.03.2023 passed in Crl.M.P.No.638 of 2023 on the file of the District Munsif cum Judicial Magistrate, Cheyyar, Chengalpet, is confirmed.

14.09.2023

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Speaking/Non-Speaking order
vum

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R. HEMALATHA, J.

vum

To

- 1.The Inspector of Police,
Prohibition Enforcement Wing,
Madhuranthagam Police Station,
Madhuranthagam,
Chengalpet District.
- 2.The District Munsif cum Judicial Magistrate,
Cheyyar, Chengalpet

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