



Crl.R.C.No.1536 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

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

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Raja

... Petitioner

Vs.

The State of Tamilnadu,
Represented by its,
Sub Inspector of Police,
Devattipatti Police Station,
Salem District.

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code, to call for the records and to set aside the order, dated 21.06.2023 made in Crl.M.P.No.1850 of 2023 on the file of the learned Judicial Magistrate, Omalur.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.R.Vinothraja,

Government Advocate (Crl. Side)

ORDER

Challenging the orders dated 21.06.2023 passed in Crl.M.P.No.1850 of 2023 by the learned Judicial Magistrate, Omalur, the present Criminal Revision is filed.



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2. The revision petitioner is the sole accused in Crime No.567/2022 of Deevattipatti Police Station, Omalur Taluk, Salem District for the offence punishable under Sections 7(1), 20(2) of Cigarette and other Tobacco Products Act, 2003 and 273 I.P.C.

3. The case of the prosecution is that the Inspector of Police, Deevattipatti Police Station, Omalur during routine vehicle check up, intercepted the vehicle viz., TATA Ultra T-11 Lorry bearing Registration No.TN 29 BQ 7409 and found the accused in possession of 1000 Kgs of Tobacco products and Gutka worth about Rs.6 lakhs and seized the contraband and the vehicle. The Inspector of Police, Deevattipatti Police Station also registered FIR in Crime No.567/2022, arrested the accused and remanded him to judicial custody.

4. Subsequently, the revision petitioner / accused filed an application under Section 451 Cr.P.C., before the Judicial Magistrate, Omalur, for return of the Lorry bearing Registration No. TN 29 BQ 7409. The learned Judicial Magistrate, Omalur, vide orders dated 21.06.2023,



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dismissed the petition on the following grounds:

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- i. The lorry was used for transporting Tobacco products and Gutka;
- ii. The owner of the Lorry is an accused in the present case and is also found to be involved in another case of similar nature;
- iii. If the vehicle is returned to the revision petitioner/accused, he would use the vehicle for committing similar offence.

5. Mr.M.R.Thangavel, learned counsel for the revision petitioner contended that if the vehicle is kept in the Police station, the value of the same would get diminished over a period of time and prayed for return of the vehicle.

6. Per contra, Mr.R.Vinothraja, learned Government Advocate (Crl. Side) contended that the accused is facing similar charge in Crime No.56/2020 of Deevattipatti Police Station, Omalur and the very same lorry was used for commission of the said offence. It is his further contention that the revision petitioner is a habitual offender and prayed for dismissal of this revision case.



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7. A perusal of the records shows that the petitioner is the sole accused in Crime No.567/2022 and the Police has recovered 1000 Kgs of Tobacco products and Gutka from him. It is the contention of the learned Government Advocate that the accused was arrested in Crime No.56/2020 of Deevattipatti Police Station which was registered for the same offence of transporting tobacco products and Gutka illegally in the same vehicle bearing Registration No.TN 29 BQ 7409. Hence, I do not see any reason to return the vehicle back to the petitioner. Accordingly, the Criminal Revision is dismissed as devoid of merits.

05.09.2023

Index: Yes/No
Speaking/Non-Speaking order
vum

To

1. The Judicial Magistrate,
Omalur.
2. The Sub Inspector of Police,
Devattipatti Police Station,
Salem District.



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R. HEMALATHA, J.

vum

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