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Crl.R.C.No.1777 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1777 of 2023

Sivakami

... Petitioner

Vs.

1.State rep. by its

The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Tiruppur District.

2.State rep. by its

The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur District.

(Cr.No.305/2023)

... Respondents

PRAYER: Criminal Revision Case filed under Sections 397 r/w. 401 of Cr.P.C, prayed to allow the Criminal Revision Petition and set aside the order dated 22.09.2023 passed in Crl.M.P.No.5966 of 2023 by the learned Judicial Magistrate, Palladam, Tiruppur District.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor



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ORDER

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This Criminal Revision Case has been filed to set aside the order passed by the learned Judicial Magistrate, Palladam, Tiruppur District in Crl.M.P.No.5966 of 2023 dated 22.09.2023.

2. The petitioner is the owner of Maruthi Alto K10 VXi bearing Registration No.TN-37-DX-5294, which was seized by the respondent police in Crime No.305 of 2023 for offences under Sections 4(1)(a) of Tamil Nadu Prohibition Act. He filed a return of property petition before the lower Court in Crl.M.P.No.5966 of 2023. The lower Court by an order dated 22.09.2023, dismissed the petition on the ground that confiscation proceedings had been initiated, against which, the present revision.

3. Today, the learned Additional Public Prosecutor produced a copy of the order passed by the first respondent in ந.க.எண்.53/ப.மு/க.கா.க/ம.வி/திருப்பூர்/2023 dated 04.10.2023 informing that the vehicle had been confiscated by the Enforcement Officer and a copy has been served



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to the petitioner, who is the owner of the vehicle and also to one Rajendran, who is the driver of the vehicle on 09.10.2023. In view of the confiscation order already passed by the authority, the petitioner has to challenge the said order under Section 14(5) of the Tamil Nadu Prohibition Act before the Court of Sessions. He further submitted that within 30 days the petitioner can challenge the same and file a revision before the Sessions Court.

4. The learned counsel for petitioner submits that this revision has been filed as early as on 26.09.2023. Thereafter, it has been returned and re-submitted on 12.10.2023. Thereafter only it was listed for hearing. In view of the above proceedings, the petitioner was under the impression that the period of limitation would get excluded. The confiscation order was passed on 04.10.2023 and the same was served to the petitioner on 09.10.2023. In view of the pendency of the above, she was unable to file the revision within time. Hence, seeks exemption. The contention of the petitioner is reasonable.



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5. In view of the same, the period of 30 days starts from the date of receipt of a copy of this order, delay condoned, exemption granted to the petitioner. The petitioner's appeal/revision to be entertained by the Sessions Court, if it is otherwise in order.

6. Accordingly, this Criminal Revision Case is disposed of.

20.10.2023

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

rsi



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- To
- 1.The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Tiruppur District.
 - 2.The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur District.
 - 3.The Judicial Magistrate,
Palladam, Tiruppur District.
 - 4.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR,J.

rsi

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