



Crl.R.C.(MD).No.698 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11.07.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.698 of 2023

Vanniyaraja

... Petitioner/Petitioner

Vs.

State rep by
The Sub-Inspector of Police,
PEW-Police Station,
Thoothukudi District.
(Crime No.332 of 2022)

... Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for records and set aside the order passed by the learned Judicial Magistrate, Villathikulam, Thoothukudi District, in Cr.M.P.No.1040 of 2023 dated 23.06.2023 and allow the Criminal Revision Petition.

For Petitioner : Mr.Muthumalai Raja

For Respondent : Mr.R.Sivakumar
Government Advocate (Crl.Side)

ORDER

This Criminal Revision is filed to set aside the order passed by the learned Judicial Magistrate, Villathikulam, Thoothukudi District, in Cr.M.P.No.1040 of 2023 dated 23.06.2023.



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2. The petitioner is the accused in Crime No.332 of 2022 on the file of the respondent. He filed a petition in Cr.M.P.No.1040 of 2023 before the Judicial Magistrate, Villathikulam, Thoothukudi District, under Section 451 of Cr.P.C seeking interim custody of the vehicle.

3. The respondent police registered a case in Crime No.332 of 2022 against the petitioner for the offence under Sections 41(a), 14(1) and 14A of the Tamilnadu Prohibition Act, 1937.

4. The learned Government Advocate (Crl.Side) on instructions submitted that the Deputy Superintendent of Police, Prohibition Enforcement Division, Thoothukudi District, has initiated confiscation proceedings against the petitioner and final order was not yet passed.

5. At this stage, this Court is not inclined to entertain this Revision. Accordingly, this Criminal Revision Case is dismissed with the following direction:-

The Confiscation Authority is directed to complete the enquiry by following the procedure contemplated under the Act within a period of 30 days from the date of receipt of a copy of this order.



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6.The petitioner is permitted to agitate the issues raised in this petition
before the Confiscation Authority.

11.07.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss

To

- 1.The Judicial Magistrate, Villathikulam,
Thoothukudi District,
- 2.The Sub-Inspector of Police,
PEW-Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Section Officer,
Criminal Section (Record)
Madurai Bench of Madras High Court, Madurai.

K.K.RAMAKRISHNAN, J.

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