



CrI.R.C.(MD).No.863 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.R.C.(MD).No.863 of 2023

Vijayalakshmi

... Petitioner

Vs.

State Rep. by
The Sub-Inspector of Police,
Kovilpatti Prohibition Enforcement Wing,
Thoothukudi District,
In Crime No.335/2023.

... Respondent

PRAYER : Petition filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the order dated 11.07.2023 in CrI.M.P.No.7633 of 2023 in Crime No.335 of 2023 on the file of the learned Judicial Magistrate No.I, Kovilpatti, set aside the same and consequently direct the learned Judicial Magistrate No.I, Kovilpatti to return the vehicle bearing Reg.No.TN-69-BY-1139 to the petitioner.

For Petitioner	:Mr.M.Prabu
For Respondent	:Mr.Sivakumar
	Government Advocate



CrI.R.C.(MD).No.863 of 2023

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ORDER

This Criminal Revision Case has been filed against the impugned order passed by the learned Judicial Magistrate No.I, Kovilpatti in CrI.M.P.No.7633 of 2023, dated 11.07.2023.

2. The petitioner is the owner of the vehicle bearing registration No.TN-69-BY-1139. According to the petitioner, the said vehicle was involved for transporting the illicit arrack on 04.06.2023. Therefore, the respondent police has registered a case against one Vetrivel, who said to have driver the vehicle of the petitioner for possessing illicit arrack.

3. The petitioner, who is the owner of the vehicle, filed a petition under Section 451 and 457 of Cr.P.C., to seek interim custody of the vehicle citing the reasons stated in the petition filed before the learned Judicial Magistrate No.I, Kovilpatti in Cr.M.P.No.7633 of 2023.



Crl.R.C.(MD).No.863 of 2023

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4. The said petition was dismissed by the learned Judicial Magistrate No.I, Kovilpatti stating that the confiscation proceeding was already initiated by relying the judgment of ***M.P.Vs. Uday Singh*** reported in ***2020 (12) SCC 733*** and also following the decision of this Court in ***M/s.Friends Brothers Vs. State Rep. by the Inspector of Police.***

5. The learned counsel for the petitioner submits that even though the confiscation proceedings are initiated, the petitioner is entitled to seek return of vehicle under Section 451 of Cr.P.C.,

6. The learned Government Advocate (Crl.side) appearing for the respondents on instructions submitted that already confiscation proceedings has been initiated and completed by the competent officer under the Tamil Nadu Prohibition Act, by order dated 04.08.2023.

7. According to the petitioner, the same was not communicated to the petitioner, hence, this Court directs the learned Government Advcoate



CrI.R.C.(MD).No.863 of 2023

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(CrI.side) to serve the Xerox copy of the said order to the petitioner in order to agitate before the appropriate forum.

8. With this observations, this Criminal Revision Case is dismissed.

10.08.2023

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

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To

1. The Sub-Inspector of Police,
Kovilpatti Prohibition Enforcement Wing,
Thoothukudi District.
2. The Judicial Magistrate No.I,
Kovilpatti.



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Crl.R.C.(MD).No.863 of 2023

K.K.RAMAKRISHNAN, J.

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Crl.R.C.(MD).No.863 of 2023

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