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Crl.R.C.No.135 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.135 of 2023

Pradeep

... Petitioner

Vs.

1. The State,
Represented by The Inspector of Police,
Nangavalli Police Station,
Salem.
(Crime No.212 of 2021)

2. Loganathan

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w 401 of the code of Criminal Procedure, to set aside the judgment dated 08.12.2022 in S.T.C.No.246 of 2022 on the file of the Judicial Magistrate-I, Mettur.

For Petitioner : Mr.J.Jayan

For Respondents : Mr.A.Gopinath
Govt. Advocate (Crl.Side) for R1
Not ready notice for R2



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ORDER

This criminal revision case has been filed to set aside the order dated 08.12.2022 made in S.T.C.No.246 of 2022 on the file of the Judicial Magistrate-I, Mettur.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the vehicle and without his knowledge, the second respondent / accused is alleged to have used the vehicle for transportation of Government liquor bottles, thereby the vehicle was seized by the Law Enforcing Agency. Hence, the petitioner filed a petition under Section 451 of Cr.P.C. in CrI.M.P.No.509 of 2022 before the learned Judicial Magistrate No.I, Mettur seeking return of property and the said petition was allowed on 18.03.2022. Thereafter, the Law Enforcing Agency registered a case against the accused and the same was taken cognizance in S.T.C.No.246 of 2022 on the file of the Judicial Magistrate No.I, Mettur, wherein the second respondent / accused pleaded guilty. The learned Judicial Magistrate has passed an order convicting the second respondent / accused



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and sentenced him to pay a sum of Rs.1,000/- towards fine for offence under Section 4(1)(a) of Tamil Nadu Prohibition Act, in default, to undergo simple imprisonment for a period of one month and that the property in C.P.No.14 of 2022 was handed over to the property holder in interim custody to be confiscated to Government as the said vehicle was used for commission of offence. Aggrieved over the same, the petitioner has filed the present revision.

3. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the vehicle was used for transportation of Government liquor bottles and the second respondent / accused admitted the guilt before the trial Court and since there was no other option except to confiscate the vehicle, the trial Court has rightly ordered for confiscation, which requires no interference of this Court.

4. It is seen from the records that the petitioner is the owner of the vehicle, namely, Maruthi Omni bearing Registration No.TN-36-AL-3183



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and his vehicle is alleged to have been misused by the second respondent / accused for transportation of Government liquor bottles. Since the petitioner's vehicle was used for transport of Government liquor bottles, the same was ordered to be confiscated by the trial Court. Considering the facts and circumstances of the case, this Court is of the view that the trial Court has rightly ordered for confiscation of the subject property and there is no perversity or illegality in the order passed by the trial Court, which requires no interference of this Court.

5. Accordingly, the Criminal Revision Case is dismissed.

11.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji



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To

1. The Judicial Magistrate-I,
Mettur.
2. The Inspector of Police,
Nangavalli Police Station,
Salem.
3. The Public Prosecutor,
Madras High Court.



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M.DHANDAPANI, J.

vji

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