



Crl.R.C.No.1361 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1361 of 2024

Pachaiyammal

... Petitioner

Vs.

State rep. by
The Inspector of Police,
PEW, Chengalpet Police Station,
Chengalpet District.
[Crime No.564 of 2023]

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order in Crl.M.P.No.8986 of 2023 dated 25.04.2024 in Crime No.564 of 2023 on the file of the respondent.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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The petitioner filed a petition in Crl.M.P.No.8986 of 2023 in Crime No.564 of 2023 seeking return of vehicle viz., Maruti Vitara car bearing registration No.TN-19-AY-4740, which was seized by the respondent Police in Crime No.564 of 2023 for offence under Section 4[1] [a], 4 [1-A] of Tamilnadu Prohibition Act before the learned Judicial Magistrate No.I, Chengalpet. The learned Magistrate by an order, dated 25.04.2024 dismissed the return of property petition, against which, the present revision is filed.

2. The prosecution case is that on 09.12.2023 at about 07.00 hours, when the respondent was conducting vehicle check near GST Road, Meyyur Junction, the car was stopped and it was checked and when one Shankar, the driver of the vehicle was enquired, he admitted that he was transporting smuggled liquor bottles. Thereafter, the driver Shankar was arrested and in the presence of witnesses, the vehicle and the liquor bottles were seized. On his confession, one Murali was arrested.



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3. It is the contention of the learned counsel for the petitioner that the petitioner is not an accused in this case. The petitioner has purchased the vehicle for her own use. Since the petitioner's husband was having bad antecedents, the petitioner's vehicle which was parked in her residents, was seized by the respondent as if it was used for transportation of liquor bottles. After seizure of the vehicle, it is kept in an open space exposing to vagaries of weather, further detention would make the vehicle unusable, rusted and it would become a scrap.

4. The learned Additional Public Prosecutor filed counter and would submit that in this case, during the enquiry, it was found that the petitioner is the wife of A1 Shankar and the said Shankar is involved in 13 previous cases under the prohibition offences. It is his further contention that confiscation proceedings have been initiated and initial notice was served to the petitioner, which was received by her and thereafter, when the enquiry hearing notice was attempted to be served to the petitioner, she refused to receive the same and in the presence of the Village Administrative Office, notice has been served to the petitioner. Hence, submitted that the learned



Magistrate has rightly dismissed the petition filed by the petitioner for return of the vehicle and seeks to dismiss this petition.

5. It is the contention of the prosecution that the petitioner is none other than the wife of the first accused and he is involved in 13 previous cases from the year 2000 and he is using the vehicle for transporting liquor bottles. It is further contented that confiscation proceedings has already been initiated and though initial notice was served on the petitioner, consequently, as she refused to receive the notice for hearing, notice was served to the petitioner in the presence of the Village Administrative Officer and also produced a copy of the same.

6. Considering the submissions on either side and on perusal of materials, this Court is of the view that though the petitioner is not an accused in this case, as the vehicle has been seized and confiscation proceedings has been initiated and notice has been served to the petitioner, it is open for the petitioner to participate in the confiscation proceedings and make her objections and seek relief.



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7. With the above observations, this Criminal Revision Case is dismissed.

03.09.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

vrc

To

1. The Judicial Magistrate No.I,
Chengalpet.
2. The Inspector of Police,
PEW, Chengalpet Police Station,
Chengalpet District.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

VTC

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