



Crl.R.C.No.1337 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1337 of 2024

Ajith

... Petitioner

Vs.

State by
Inspector of Police,
Tirupathur PEW Police Station,
Tirupathur District.
Crime No.21 of 2024.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to set aside the order dated 01.07.2024 passed by the Judicial Magistrate-II, Tirupathur in CMP.No.2648 of 2024 in Crime No.21 of 2024 and direct to release the Two Wheeler bearing Registration Number TN-83-MB-3790 by allowing this Criminal Revision Petition.

For Petitioner : Mr.D.Thirumoorthy

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, owner of the two wheeler viz., Honda Dio bearing Reg.No.TN-83-FC-3790 seized by the respondent Police in Crime No.21 of 2024 has filed a return of property petition in Crl.M.P.No.2648 of 2024 before the learned Judicial Magistrate No.II, Thirupathur and the same was dismissed *vide* impugned order, dated 01.07.2024. Against which, the present criminal revision petition is filed.

2.The learned counsel for the petitioner submitted that the respondent Police took the petitioner's above said two wheeler from his house on 10.01.2024 as though the said two wheeler used for transportation of liquor and arrayed the petitioner as A1 in Crime No.21 of 2024 for offence under Sections 4(1)(a) and 4(1-A)(ii) of the Tamil Nadu Prohibition Act, 1937. He further submitted that the vehicle is kept in open yard exposing to vagaries of weather and thereby the value of the vehicle is getting diminished. The petitioner purchased the vehicle by availing loan from financier who is now insisting the petitioner to pay the monthly EMI. Due to detention of the vehicle, the petitioner is unable to do his normal work. Hence, prays for



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setting aside the impugned order.

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3.The learned Additional Public Prosecutor appearing for the respondent Police submitted that during routine road check, the petitioner's two wheeler stopped, checked and found the petitioner transporting liquor. Thereafter, the liquor and the vehicle seized and the petitioner was arrested. He further submitted that in this case, the confiscation proceedings already initiated in ந.க.எண்.20/கூ.கா.க/இணைய வழி குற்றப்பிரிவு/தி.மா/2024 and issued show cause notice, dated 18.06.2024 calling upon the petitioner to give objection within fourteen days to the Additional Superintendent of Police, Headquarters, Thirupathur District. The petitioner received the notice, but not gave any objection. If the petitioner has got any objection, he has to approach the confiscation authority and make his objection. It is now for the petitioner to participate in the confiscation proceedings and make his claim for his two wheeler. Hence, prays for dismissal of the revision.



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4.At this stage, the learned counsel for the petitioner submits that the petitioner would participate in the confiscation proceedings, make his objection and claim his vehicle. Today, the learned counsel for the petitioner received the copy of the show cause notice, dated 18.06.2024.

5.Recording the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor, this Court dismisses the criminal revision case confirming the impugned order, dated 01.07.2024 in Crl.M.P.No.2648 of 2024 passed by the learned Judicial Magistrate No.II, Thirupathur.

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

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To

- 1.The Judicial Magistrate No.II,
Thirupathur.
- 2.The Inspector of Police,
Tirupathur PEW Police Station,
Tirupathur District.



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3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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