



WEB COPY



CrI.O.P.No.20589 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.20589 of 2024

Ponnurangan

... Petitioner

Vs.

1. The Additional Superintendent of Police,
Kallakurichi District,
Kallakurichi.

2. The State Rep.by its
The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District,
Crime No.865 of 2023.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, pleaded to direct the respondents herein to produce the petitioner's two wheeler bearing Registration No. TN 15 E 7911 before the Judicial Magistrate No.II, Ulundurpet and subsequently enable the petitioner to file fresh application for return of property as per order in CrI.M.P.No.205 of 2024 dated 15.02.2024.



WEB COPY



Crl.O.P.No.20589 of 2024

For Petitioner : Mr.R.Raji

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner herein is the accused in Crime No.865 of 2023 for the offences punishable under Sections 4(1)(a), 4(1)(h), 14-A of the Tamil Nadu Prohibition Act (for short, TNP Act), along with the contraband, two-wheeler bearing Registration No.TN 15 E 7911 was also seized. When the petitioner has filed an application for return of the property, the trial Court, taking note of the fact that the property was not produced by the police and they have stated that they are contemplating confiscation proceedings under Section 14-A of the TNP Act and disposed of the application to revive it after production of the document. This order came to be passed on 15.02.2024, however, till date, the respondents-Police have neither initiated confiscation proceedings, nor produced the property before the Judicial Magistrate and hence, the present petition.

2. Learned Government Advocate (Crl.Side) appearing for the respondents-Police submits that the Investigating Officer has informed



CrI.O.P.No.20589 of 2024

the Judicial Magistrate No.II, Ulundurpet, vide its letter dated 05.01.2024

that he was contemplating to initiate confiscation proceedings under Section 14-A of the TNP Act. However, till date, no measures have been taken for confiscation. Further, it is also reported that the vehicle has not been produced before the Court, inspite of the seizure.

3. This Court finds that the Inspector of Police has grossly violated the procedures contemplated under the Cr.P.C. as well as under the Prohibition Act. He cannot seize the property of the person under the guise of investigation and using for his own purposes without producing it before the Court or initiating confiscation proceedings. Therefore, the investigating officer is hereby directed to produce the vehicle in question before the Court within seven (7) days from today. On such production, the petitioner herein shall get the vehicle returned on appropriate condition imposed by the Judicial Magistrate Court concerned, as the Court may deem it fit and necessary. If there is any damage or deterioration to the vehicle, the petitioner herein is entitled to get compensation for the damages from the Investigating Officer personally.

4. With the above directions, this Criminal Original Petition is



CrI.O.P.No.20589 of 2024

disposed of.

WEB COPY

09.09.2024

Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

ms

To

1. The Additional Superintendent of Police,
Kallakurichi District,
Kallakurichi.
2. The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.20589 of 2024

Dr.G.JAYACHANDRAN, J.

ms

Crl.O.P.No.20589 of 2024

09.09.2024