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Crl.R.C.No. 1393 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No. 1393 of 2024

Padmini

... Petitioner

Vs.

State Rep. by The Inspector of Police,
Prohibition Enforcement Wing,
Tirupattur,
Tirupattur District.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 and 442 Cr.P.C.,
against the order passed by the learned Judicial Magistrate No.1, Tirupattur,
Tirupattur District in Crl.M.P.No.6026 of 2024 dated 01.07.2024.

For Petitioner : Ms.S.Priyadarshini

For Respondent : Mr.A.Damodaran

Additional Public Prosecutor



Crl.R.C.No. 1393 of 2024

WEB COPY

ORDER

The petitioner / owner of the four wheeler bearing Registration No.TN-09-AV 4953 had filed a return of property petition before the lower Court in C.M.P.No. 6026 of 2024, the same was dismissed by order dated 01.07.2024 against which, the present revision.

2. The case of the prosecution is that on 15.04.2024 at about 3.15 hours, the respondent Police who are on patrol duty on Chinna Goundanur have seen a car parked behind the petitioner's house with two persons. On seeing the patrol team, they attempted to escape and however, they were managed and encircled them and conducted enquiry. Since they were giving contradictory statement and on suspicion, a search was made in the car and then they found, cotton box containing 1776 liquor packers each 180 ml and also liquor bottles of whisky. The liquors were primarily smuggled from the State of Karnataka. Along with the liquor bottles, there were 50 litres of I.D.Arrack which is obnoxious material and a case in Crime No.266 of 2024 for the offences under Section 4(1)(aaa), 4(1-A)(ii) of the TNP Act r/w. 32 if IPC has been registered. The two persons have been arrested along with liquor bottles and the car.



Crl.R.C.No. 1393 of 2024

They were produced before the Magistrate for remand and the car was seized.

Hence, she filed the above petition for return of car.

3. The petitioner further submitted, the petitioner had purchased the car for her own use. The petitioner handed over the car to her father's brother Anbazhagan on 15.04.2024 at his request that he needs to visit a Hospital in Bangalore, the car was given to him. Later she came to know that the said Anbazhagan was arrested by the respondent Police along with the car. The said Anbazhagan was shown as A2 and the petitioner's brother as A1. Admittedly, the car was in a parked condition since the accused are closely related to the petitioner. The car parked in the backyard, is projected as though used for smuggling the liquor from other State. The petitioner's car kept in open exposing to sun and rain further exposure at detention diminish the value of car. The petitioner needs the vehicle for her regular use, petitioner is not a accused in this case

4. The learned Additional Public Prosecutor filed a counter and submitted that the petitioner's car was seized in Crime No.226 of 2020 by the respondent Police on 15.04.2024. The respondent Police, during regular



patrol found the car parked and two persons in a suspicious circumstances when they were enquired, questioned gave contradictory version and car was searched, found liquor and arrack, concealed and the same seized and the accused were arrested and produced before the Magistrate, thereafter, confiscation proceedings initiated. The confiscation initiated on 18.06.2024 in Na.Ka.No.7/Ku.kaa.Ka/Online Crime Branch/2024 dated 18.06.2024. The confiscation notice sent to the respondent's address, subsequently, the petitioner filed return of property petition. The respondent Police taken steps to serve personally and gone to the address found petitioner not available but petitioner's father-in-law, Vijayan received notice on 11.09.2024 in presence of two witnesses.

5. Since the proceeding already initiated, notice served, it is for the petitioner to appear in the confiscation proceedings and substantiate her claim. Considering the fact that the confiscation notice served to the respondent. Through her father-in-law, this Court finds that the confiscation proceedings have been initiated on 18.06.2024.



Crl.R.C.No. 1393 of 2024

WEB COPY

6. In view of the same, the petitioner is at liberty to appear before the confiscation authority to make her objections and to claim her car, the confiscation authority to follow Section 14(4) of the Tamil Nadu Prohibition Act give opportunity, hear the petitioner and pass orders on merits.

7. This Criminal Revisional Case is dismissed with the above observations. No costs.

12.09.2024

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Internet: Yes / No
Speaking / Non-speaking order
Neutral Citation : Yes / No



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CrI.R.C.No. 1393 of 2024

M.NIRMAL KUMAR, J.

KKN

To

- 1.The Judicial Magistrate No.1,
Tirupattur, Tirupattur District.
- 2.The Inspector of Police,
Prohibition Enforcement Wing,
Tirupattur,
Tirupattur District.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.

CrI.A.No. 1393 of 2024

12.09.2024