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Crl.R.C.No.1441 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1441 of 2024

Kowsalya

... Petitioner

Vs.

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

... Respondent

PRAYER: Criminal Revision Case has been filed under Section 438 & 442 of Cr.P.C, praying to call for the records on the file of the learned Judicial Magistrate, No.11, Tirupattur, Tirupattur District in Crl.M.P.No.5305 of 2024 dated 19.07.2024 and set aside the order.

For Petitioner	: Ms. S. Priyadarshini
For Respondent	: Mr.A.Damodaran
	Additional Public Prosecutor



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ORDER

The petitioner is the owner of the two wheeler bearing Registration Number TN 83 MD 4482. She has filed the petition seeking return of property in CMP.No.5305 of 2024 and the same was ordered on 19.07.2024, against which the present revision is filed.

2. The contention of the petitioner is that the petitioner's bike was seized by the respondent in crime No.293 of 2024 on 30.04.2024. On that date, when the two wheeler was driven by one Ramesh, S/o Perumal with a plastic bag, the respondent police stopped the vehicle and interrogated him. They have also verified the plastic bag and noticed that the said Ramesh was carrying liquor bottles without permit. Thereafter, they have arrested the petitioner and issued notice to the petitioner, who is the owner of the two wheeler intimating the initiation of confiscation proceedings. The petitioner participated in the confiscation proceedings and filed objections. Now the



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confiscation proceedings completed. The petitioner contention is that she purchased the vehicle for her own use to attend her employment, without the vehicle, petitioner, being a lady is finding it difficult to visit places. The Trial Court not considered petitioner's earning is affected, due to seizure of the vehicle and dismissed the same.

3. The learned Additional Public Prosecutor submitted that the petitioner participated in the confiscation proceedings and submitted her objections. Now, the confiscation proceedings is pending. In the event of the petitioner participating in the confiscation proceedings and offers her explanation that the vehicle was used by the said Ramesh without her knowledge, she may get back the vehicle however, it is for the confiscation authority to decide the same.



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4. The learned counsel for the petitioner submitted that the petitioner not a accused in the above case.

5. In view of the above, this court directs the confiscation authority to complete the proceedings within a period of four weeks from the date of receipt of a copy of this order, after giving opportunity and hearing the petitioner. This Criminal Revision Case is disposed of accordingly.

02.09.2024

Index : Yes/No

Speaking order / Non-speaking order

Neutral citation : Yes/No

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To

1. The Judicial Magistrate,
No.11, Tirupattur,
Tirupattur District.
2. The Inspector of Police,
Prohibition Enforcement Wing,
Tirupattur, Tirupattur District.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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