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Crl.R.C.No.1604 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

CORAM

THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

Crl.R.C.No.1604 of 2024

R.Murali

...

Petitioner

Vs.

The State Rep. By its
The Inspector of Police,
P.E.W Hosur,
(Cr.No.186 of 2024).

...

Respondent

Prayer: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS Act to call for the records and set aside the order passed in Crl.M.P.No.1526 of 2024 on the file of the learned Judicial Magistrate No.II, Hosur in Cr.No.186/2024 on the file of the respondent Police dated 06.05.2024 and direct the respondent to release the Toyota Etious four-wheeler bearing Regn.No.TN24 AJ 0435 by allowing this revision.

For Petitioner : Mr.M.P.Yuvaraj

For Respondent : Mr.V.J.Priyadarsana
Govt.Advocate (crl.side)



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ORDER

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2. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that the respondent has already initiated confiscation proceedings and the petitioner had refused to receive the notice.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the third owner and the respondent has not served any notice on him.

4. Heard the learned counsel for the petitioner as well as Government Advocate (crl.side) appearing for the respondent and perused the records.



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5. On perusal of the records, it is seen that confiscation proceedings has been initiated against the petitioner. Hence, it is for the petitioner to challenge the confiscation proceedings and in such circumstances, the petition filed under Section 457 r/w 451 Cr.P.C. cannot be entertained. Therefore, the order passed by the learned Judicial Magistrate No.II, Hosur in Cr.No.186/2024 on the file of the respondent Police dated 06.05.2024 is confirmed.

6. Accordingly, this Criminal Revision Petition is dismissed.

22.11.2024

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

To

1.The Judicial Magistrate No.II,
Hosur.

2.The Inspector of Police,
P.E.W Hosur.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

rgr

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