



Crl.R.C.No.1576 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2024

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.R.C.No.1576 of 2024

Pandiyan

.. Petitioner

Vs.

STATE BY

The Inspector of police,
Tirupathur Taluk Police Station,
Tirupathur District.
Crime No. 268 of 2024

..Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to set aside the order dated 05.08.2024 passed by the Judicial Magistrate-II, Tirupathur in CMP No. 5056 of 2024 in Crime No. 268 of 2024 and direct to release the Two Wheeler [TVS Jupiter) bearing registration number TN-83 X-5827 by allowing this Criminal Revision Petition.

For Petitioner : Mr.D.Thirumoorthy

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)



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ORDER

The petition is filed by the accused in a prohibition case to return the two wheeler, which was seized from his possession for transporting illicit arrack. The said petition before the trial Court was dismissed on the ground that the petition found devoid of merit. Furthermore, the prosecution has initiated confiscation proceedings. Challenging the said order, the present revision petition is filed.

2. However, on perusing the impugned order, this Court finds that the petition for return of vehicle by this petitioner is not maintainable, since he is not the owner of the vehicle and the owner of the vehicle had not come before this Court. Furthermore, the prosecution having initiated confiscation proceedings, the petitioner's relief is always subjected to confiscation proceedings, in which, he has to participate and get relief. Hence this Criminal Revision Case is dismissed as devoid of merits.

20.09.2024

Internet : Yes/No

Index: Yes/No

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To



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1.The Judicial Magistrate-II, Tirupathur

2. The Inspector of police,
Tirupathur Taluk Police Station,
Tirupathur District.

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

Dr.G.JAYACHANDRAN, J.

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