



Crl.R.C.No.1909 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1909 of 2024

S.Sampath Kumar

... Petitioner

Vs.

1.The Assistant Commissioner of Police,
Prohibition Enforcement Wing North,
Ambathur, Chennai 53.

2.State Rep.by
The Inspector of Police,
Prohibition Enforcement wing,
Anna Nagar Police Station,
Chennai.
Crime No.221/2021.

... Respondents

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the entire records in respect of the order passed by the Principal Sessions Judge, Chennai, in Crl.M.P.No.1889/2024 in CA SR No.1760/2024, dated 13.03.2024 and set aside the same.

For Petitioner : Mr.D.Rajagopal

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



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ORDER

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The present revision has been preferred by the petitioner challenging the dismissal of the petition filed to condone the delay of 850 days in filing the appeal challenging the confiscation proceedings.

2.The learned counsel for the petitioner would submit that the vehicle was confiscated without giving sufficient opportunity and therefore, he has a fair chance of succeeding in the appeal and the petition to condone the delay ought to have been allowed by the learned Principal Sessions Judge.

3.The learned Government Advocate (Crl.Side) on instructions would submit that the property confiscated is yet to be sold.

4.In the light of the above submissions, this Court is of the view that the petitioner should be afforded with an opportunity to challenge the confiscation proceedings before the Appellate Court and hence, the petition to condone the delay ought to have been allowed, especially, considering the fact that the vehicle which has been confiscated has not been sold yet.



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Therefore, this Court sets aside the order passed by the learned Principal Sessions Judge, Chennai, in Crl.M.P.No.1889 of 2024 in CA SR No.1760/2024, dated 13.03.2024

5.Accordingly, this Criminal Revision stands allowed.

08.11.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

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To

- 1.The Assistant Commissioner of Police,
Prohibition Enforcement Wing North,
Ambathur, Chennai 53.
- 2.The Inspector of Police,
Prohibition Enforcement wing,
Anna Nagar Police Station,
Chennai.
Crime No.221/2021.
- 3.The Principal Sessions Judge,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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