



Crl.R.C.(MD).No.413 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD). No.413 of 2024

Palanimurugan

... Petitioner

Vs.

The S.H.O.,
PEW-Kamuthi Police Station,
Ramanathapuram District.
(In Crime No.199 of 2024)

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No. 2738 of 2024 dated 25.03.2024 on the file of the learned Judicial Magistrate, Paramakudi and set aside the same by allowing the revision petition.

For Petitioner : Mr.Mathu
for D.Packiaraj
For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

ORDER

The petitioner filed this petition to set aside the order passed Cr.M.P.No. 2738 of 2024 dated 25.03.2024 by the learned Judicial Magistrate, Paramakudi.



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2.The petitioner claims to be the owner of the vehicle/scooter bearing Reg.No.TN-65 BW-5137. On 07.03.2024, when the petitioner said to have illegally transported 28 Old Chef Brandy 180 ML bottles in his Scooter bearing Reg. No.TN-65 BW-5137, the respondent Police intercepted the vehicle and seized the vehicle and registered a case in Crime No.199 of 2024 for the offence under Section 4(1)(a) of TNP (Transport Act).

3.It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Paramakudi, for returning of the said vehicle in Cr.M.P.No.2738 of 2024 and the learned Judicial Magistrate, Paramakudi, vide order dated 25.03.2024, has dismissed the petition on the ground that the vehicle was already handed over to the concerned authority for initiation of confiscation proceeding. Challenging the same, the above Criminal Revision came to be filed before this Court.

4.The learned counsel appearing for the petitioner would submit that the petitioner's vehicle was never involved in any illegal activity and the respondent police without verifying the same has foisted the above false case. Hence, he seeks to allow this petition.



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5.The learned Government Advocate (Criminal Side) appearing for the State would submit that the confiscation proceeding was already initiated under the Tamil Nadu Prohibition Act. As per the order of the Division Bench of this Court reported in 2010 1 LW (Crl.) 129, the confiscation proceeding was initiated. Hence, he seeks to dismissal of this petition.

6.This Court considered the rival submissions and also perused the records and the impugned order.

7.In this case, the confiscation proceeding was already initiated and hence, the petition under Section 457 r/w 451 of Cr.P.C., is not maintainable.

8.Considering the request made by the learned counsel appearing for the petitioner, this Court is inclined to pass the following order:

8.1.The Additional Deputy Superintendent of Police, Prohibition Wing, Ramanathapuram, is directed to complete the confiscation proceeding on or before 31.05.2024.



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8.2.It is open to the petitioner to appear before the The Additional Deputy Superintendent of Police, Prohibition Wing, Ramanathapuram, and made his submission relating to the confiscation proceeding.

9.With the above direction, this Criminal Revision Case is disposed of.

10.For reporting compliance on 05.06.2024.

18.04.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
vsg



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To

1. The learned Judicial Magistrate,
Paramakudi.
2. The S.H.O.,
PEW-Kamuthi Police Station,
Ramanathapuram District.
3. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

vsg

**Pre-delivery Order made in
Crl.RC(MD). No.413 of 2024**

18.04.2024