



Crl.R.C.(MD)No.680 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 15.07.2024

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.680 of 2024

Srinivasan

... Petitioner/Petitioner

Vs.

1.Surendran @ Suresh
2.Manickavel
3.The State rep. By
The Inspector of Police,
Prohibition Enforcement Wing,
Thuraiyur, Trichy.
(Crime No.392 of 2024)

... Respondents/Respondents

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C. (438 & 442 of BNSS), to call for the records pertaining to order passed in Crl.M.P.No.2592 of 2024 on the file of the learned Judicial Magistrate, Musiri dated 04.07.2024 and set aside the same by allowing the revision petition.

For Petitioner : Mr.R.Ponkarthikeyan

For Respondent : Mr.B.Thanga Aravindh
Government Advocate(Crl. Side) for R3

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ORDER

The Criminal Revision Case has been filed to call for the records pertaining to order passed in Crl.M.P.No.2592 of 2024 on the file of the learned Judicial Magistrate, Musiri dated 04.07.2024 and set aside the same by allowing the revision petition.

2.The petitioner claims to be the owner of the Hero Splendor plus two wheeler bearing Reg.No.TN-48-BW-3126. On 16.06.2024,one of his friend took the said vehicle due to medical emergency. Subsequently, the petitioner came to know that a case has been registered in Crime No.392 of 2024, against the said vehicle for transporting of liquor bottles illegally for the offences under Section 4(1)(a) of Tamil Nadu Prohibition Act.

3.It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Musiri, for returning of the said vehicle in Crl.M.P.No.2592 of 2024 and the learned Judicial Magistrate, Musiri, vide order dated 04.07.2024, has dismissed the petition on the ground that the confiscation proceedings has been initiated. Challenging the same, the above Criminal Revision case to be filed before this Court.



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4.The learned counsel for the petitioner submits that the initiation of the confiscation proceedings is not a bar to entertain the petition and hence he seeks the interim custody of the vehicle.

5.The learned Government Advocate(Crl.Side) submits that as per the Judgment of the Division Bench of this Court in ***G.Chandramohan Vs. The Inspector of Police, Prohibition Enforcement Wing, Kumbakonam, Thanjavur District*** reported in ***2005(1) LW(Crl.) 93***, once confiscation proceedings initiated, he has not entitled to the interim custody of the vehicle.

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

7.From the records and also it is an admitted fact that the confiscation proceeding was initiated and show cause notice has also been issued.

8. In the said circumstances, this Court directs the Deputy Superintendent of Police, Prohibition and Enforcement Wing, Trichirappalli District to conclude the confiscation proceedings within a period of 30 days from the date of receipt of a copy of this order after affording opportunity to the petitioner



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herein.

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9. If the petitioner has not availed the said opportunity, it is left open to the Deputy Superintendent of Police, Prohibition and Enforcement Wing, Trichirappalli, to conclude the same within a period of 30 days from the date of a receipt of a copy of this order. As per the procedure stated in the Act, the owner is entitled to receive the vehicle upon making the amount has to be determined by the confiscation proceedings.

10.Hence it is open to the petitioner to participate in the confiscation proceedings and to avail his remedy.

11. With the above observations, this Criminal Revision case is disposed of.

15.07.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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- To
- 1.The Deputy Superintendent of Police,
Prohibition and Enforcement Wing,
Tirchirappalli District.
 - 2.The Inspector of Police,
Prohibition Enforcement Wing,
Thuraiyur, Trichy.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
 4. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

RJR

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