

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 19168 of 2026

and

CrI.MP.No.12753 of 2026

Kalaiselvi
W/o. Ravisekar,
No.661/A, Muthaiya Nagar,
L.N.Puram, Panruti-607106.

..Petitioner(s)

Vs

1. The Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Cuddalore District.
Cuddalore.
2. The Inspector of Police
Kadampuliyur Police Station,
Cuddalore District.
Crime No.107 of 2025.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNSS, to call for the records relating to the proceedings of the 1st Respondent in Na.Ka.No.02/DSP/PEW/Vehicle-confiscation/Cuddalore/2025, dated 25.05.2025, Set aside the same as illegal and consequently direct the 1st Respondent to release the Vehicle, Namely, a Hyundai Venue, 1.2 Kappa MTS, Typhoon sliver, bearing Registration No.TN 31 CS 5666, which was seized by the 2nd Respondent in Connection with Crime No.107 of 2025 to the petitioner, and pass such further or orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render Justice.



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For Petitioner(s):

Mr.R.MUNIYAPPARAJ

For Respondent(s):

Mr.R.Rajasekaran

Counsel for Government of Tamil Nadu
(CRIMINAL SIDE) FOR R1 and R2

ORDER

The prayer in the criminal original petition is to quash the order dated 25.05.2025. By the said order, the vehicle bearing registration No. TN 31 CS 5666, which was involved in an offence punishable under Sections 4(1)(A), 4(1)(B) r/w 14 (A) of Tamil Nadu Prohibition (Amendment) Act, 2024, was ordered to be confiscated in favour of the government.

2.The limited ground, on which, the challenge is made to the confiscation order is that when a show cause notice was issued and the petitioner submitted his explanation and the explanation is rejected and when the authorities have decided to confiscate the property, still the procedure as mandated under section 14 (4)(iii) is not followed in the instant case. As per the same, after rejecting the explanation of the petitioner and deciding to confiscate the property, yet another opportunity has to be given to the petitioner intimating the value of the vehicle and if the petitioner pays the same, the value has to be appropriated to the Government and the vehicle should be given back to the petitioner. If only the petitioner doesn't pay, the further orders relating to auctioning of the vehicle has to be passed.



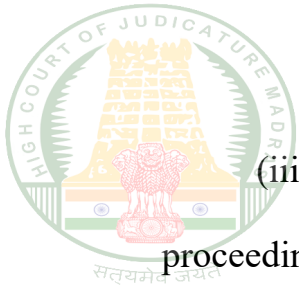
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3.The learned counsel for Government of Tamil Nadu (Crl.side) would submit that the vehicle is involved and after finding that the petitioner's explanation is not acceptable, the order of confiscation has been passed. In this regard, it can be seen that as per section 14 (4)(iii) and the proviso contained therein, after deciding to confiscate the vehicle in favour of the government, an opportunity to the owner of the vehicle to pay the market price in lieu of confiscation should be given and if the owner pays the said amount, the vehicle can be released.

4.In view thereof, this criminal original petition is ordered on the following terms:

(i).The impugned order dated 25.05.2025 shall only be treated as a part order rejecting the explanation of the petitioner and finalising the decision to confiscate the vehicle;

(ii). Within two weeks from the date of receipt of the web copy of the order a further notice intimating the market value of the vehicle shall be issued to the petitioner intimating the time within which the petitioner can pay the said amount and if the petitioner is willing to pay the said amount, he can very well pay the amount and the vehicle can be entrusted to the petitioner.



(iii).If the petitioner fails to pay the amount, thereafter, the further proceedings can be taken for auctioning the vehicle in the manner known to law.

5.Consequently, connected miscellaneous petition is also closed.

17-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

sms

To

1. The Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Cuddalore District, Cuddalore.
2. The Inspector of Police
Kadampuliyur Police Station,
Cuddalore District.
Crime No.107 of 2025.
3. the Public prosecutor
High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

sms

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