



Crl.R.C.No.1855 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1855 of 2024

Murugesan

... Petitioner/Petitioner

Vs.

The State rep. by
The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram.
Crime No.605/2024.

...Respondent/Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order dated 20.09.2024 in Crl.M.P.No.5010 of 2024 passed by the Judicial Magistrate Court at Sriperumbudur and to direct the respondent to return the vehicle SWIF VXi Car bearing Reg.No.TN 85 S 4790 to the petitioner.

For Petitioner : Mr.K.Karthick

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl.Side)



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ORDER

This revision challenges the dismissal of the order dated 20.09.2024 in Crl.M.P.No.5010 of 2024 passed under Section 451 r/w 457 of the Cr.P.C. on the petition filed by the petitioner/property owner, seeking interim custody of the car seized by the respondent.

2. The petitioner is said to have committed the offences under Sections 4(1)(c) and 4(1-A)(ii) of the Tamil Nadu Prohibition Act (Amendment), 2024, for the alleged transportation of 96 bottles of liquor.

3. The learned Government Advocate (Crl.Side) for the respondent police would submit that the Superintendent of Police had issued a letter to the RTO to initiate the confiscation proceedings under the Tamil Nadu Prohibition Act; and that the confiscation proceedings have not been initiated so far.

4. The car was seized from the petitioner on 13.08.2024. Since then, the car is in the custody of the respondent and is kept in the Police Station.

5. The Hon'ble Supreme Court and this Court in several cases have



held that the vehicles that are kept in the open idly and exposed to sun and rain would lose their utility value and should be returned to the person entitled to the interim custody. Admittedly, the petitioner is the owner of the car and this Court is therefore of the view that he would be the proper person entitled to interim custody of the car pending the trial since the confiscation proceedings have not been initiated so far, although recommended by the Superintendent of Police.

6. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 20.09.2024 passed by the learned Judicial Magistrate, Sriperumbudur, in Crl.M.P.No.5010 of 2024 in Crime No.605 of 2024 is set aside. In view of the same, the respondent police is directed to return the vehicle SWIF VXi Car bearing Reg.No.TN 85 S 4790 to the petitioner on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties to the satisfaction of the learned Judicial Magistrate, Sriperumbudur;

(ii) The petitioner shall produce the original RC Book



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along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove her ownership. The learned Judicial Magistrate, Sriperumbudur, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

(iii) The petitioner shall not alter or alienate the vehicle in any manner till adjudication is over;

(iv) The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the court below.

(v) The return of property would be subject to the result of the confiscation proceedings.

04.11.2024

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

dk

Note: Issue Order copy by 06.11.2024.

To

1.The Inspector of Police,

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Sriperumbudur Police Station,
Kancheepuram.

WEB COPY

2.The Judicial Magistrate,
Sriperumbudur.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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