



Crl.R.C.No.8 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-01-2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.8 of 2025

P.Doss ... Petitioner / Accused No.3

Vs

Inspector of Police
Prohibition Enforcement Wing,
Kottakuppam,
Villupuram District. ... Respondent / Complainant

Prayer: Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS, praying to set aside the order dated 27.12.2024 passed in Crl.MP No.300 of 2024 in Crime No.1510 of 2024 by the District Munsif cum Judicial Magistrate, Vanoor, Villupuram.

For Petitioner : Mr.C.D.Sugumar
For Respondent : Mr.S.Udaya Kumar
Govt. Advocate (crl.side)

ORDER

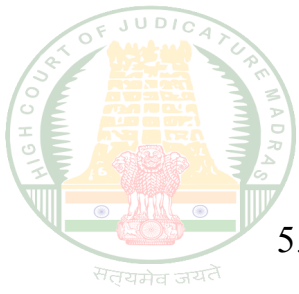
This revision challenges the dismissal of the petitioner's application filed under Section 451 r/w 457 of Cr.P.C. seeking return of his car bearing Regn.No.TN 87 E 8777 belonging to him.



WEB COPY2. The petitioner is the accused in Crime No.1510 of 2024 registered for the offence under Section 4(1)(a), 4(1)(c), 4(1)(i), 4(1)(A), 14(A) of Tamil Nadu Prohibition Act for illegal possession of liquor sold in Pondicherry. During the course of investigation, the car of the petitioner was seized as it was used for transportation of the liquor. The petitioner filed a petition seeking return of the said car which was opposed by the respondent. The trial court dismissed the petition on the ground that the vehicle is liable to be confiscated and hence cannot be returned.

3. The learned counsel for petitioner would submit that the petitioner has no previous cases ; that from the date of seizure, the vehicle is kept idle in an open place subject to vagaries of weather; that he is the owner of the vehicle and that the vehicle may be returned to the petitioner on any stringent conditions.

4. The learned Government Advocate (crl.side), per contra, submitted that the confiscation proceedings have not been initiated so far ; that there are no previous cases against the petitioner and that the vehicle may be returned to the petitioner subject to confiscation proceedings.

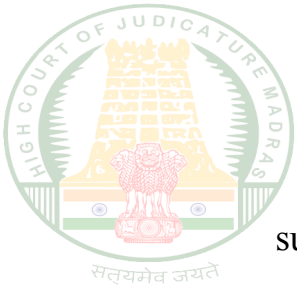


5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) appearing for the respondent and perused the records.

6. Considering the aforesaid submissions, this court is of the view that the vehicle cannot be allowed to be kept idle in an open place in the police station from the date of seizure, i.e. 10.11.2024 and subjected to vagaries of the weather and that since the petitioner is the owner of the vehicle, the same can be returned to the petitioner on stringent conditions, pending disposal of the trial. In the above said circumstances, this Court is inclined to return the vehicle to the petitioner. It is needless to state that if the vehicle is used once again for the commission of any offence, no indulgence would be shown to the petitioner.

7. Accordingly, this **Criminal Revision Case is allowed** and the impugned order dated 27.12.2024 passed in Crl.MP No.300 of 2024 in Crime No.1510 of 2024 by the District Munsif cum Judicial Magistrate, Vanoor, Villupuram is set aside. In view of the same, the respondent is directed to return the vehicle to the petitioner on the following conditions -

(i) The petitioner shall execute a personal bond for a



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sum of Rs.10,00,000/- (Rupees Ten lakhs only) with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Vanoor, Villupuram ;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned District Munsif cum Judicial Magistrate, Vanoor, Villupuram 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;

(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, if any.

07.01.2025

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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To

1.The District Munsif cum Judicial Magistrate,
Vanoor, Villupuram

2.The Inspector of Police
Prohibition Enforcement Wing,
Kottakuppam,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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