



WEB COPY



*Crl.R.C. No. 144 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2025

CORAM

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

Crl.R.c. No. 144 of 2025

Ratan Singh

..Petitioner

Vs.

State rep. by  
The Inspector of Police,  
Veeraganur Police Station,  
Salem.

Crime No. 48 of 2024.

..Respondent

Prayer: Criminal Revision Petition to set aside the impugned order dated 27.09.2024 passed in Crl.M.P. No. 1141 of 2024 by the learned Judicial Magistrate No.1, Attur and consequently direct the respondent Police to hand over the case property i.e., Maruti 5-cross Smart Hybrid Zeta, Reg. NO. TN 77 K 1380 to the petitioner.

For Petitioner :: Mr.C.R. Gokul Visvas

For Respondent :: Mr.S. Udayakumar,  
Govt. Advocate (Crl.Side)

O R D E R



*Crl.R.C. No. 144 of 2025*

The revision challenges the dismissal of the petitioner's application filed under Sections 497 and 503 BNSS for return of vehicle namely Maruti 5-Cross Smart Hybrid Zeta bearing Registration No. TN 77 K 1380.

2. An FIR was registered in Crime No. 48 of 2024 for offences under Sections 273, 238 IPC r/w Sections 7(1), 20(2) of COTPA Act on the allegation that the petitioner had transported banned tobacco products in the aforesaid vehicle.

3. During the course of investigation, the said vehicle was seized. The petitioner sought return of the vehicle and the same was rejected by the Trial Court on the ground that there was no representation on behalf of the petitioner.

4. Learned counsel for the petitioner would submit that the petitioner's non-appearance before the Trial Court was neither wilful nor wanton; that the petitioner is not involved in any previous case; that the vehicle is kept idle at the Police Station ever since the date of seizure on 29.03.2024; that the value of the vehicle is getting diminished since it is subjected to vagaries of weather and that the petitioner is ready to abide by



*Crl.R.C. No. 144 of 2025*

any stringent condition that may be imposed by this Court.

WEB COPY

5. Learned Government Advocate (Crl.Side) on instructions would submit that the petitioner is not involved in any previous case and that no confiscation proceedings have been initiated so far.

6. In the light of the above submission, considering the fact that the petitioner is the owner of the vehicle and that the vehicle cannot be kept idle at the Police Station, this Court is inclined to hand over interim custody of the vehicle to the petitioner subject to certain conditions.

7. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 27.09.2024 passed by the learned Judicial Magistrate No.1, Attur in Crl.M.P.No.1141 of 2024 in Crime No. 48 of 2024 is set aside. In view of the same, the respondent is directed to return the vehicle viz., Maruti 5-cross Smart Hybrid Zeta bearing Registration No. TN 77 K 1380 to the petitioner on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate No.1, Attur;



WEB COPY



*Crl.R.C. No. 144 of 2025*

(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 Judicial Magistrate No.1, Attur 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.

28.01.2025

nv

To

1. The Judicial Magistrate No.1, Attur.
2. The Inspector of Police,  
Veeraganur Police Station,  
Salem.
3. The Public Prosecutor,

4\5



High Court, Madras.

WEB COPY



*Crl.R.C. No. 144 of 2025*

**SUNDER MOHAN,J.**

nv

Crl.R.C. No. 144 of 2025

28.01.2025