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Crl.R.C. No. 135 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRIMINAL REVISION CASE No. 135 of 2025

Sathiyaraj

..Petitioner

Vs.

State by
The Inspector of Police,
Prohibition Enforcement Wing,
Madurantakam,
Chengalpattu District.
(Crime No. 846 o 2024)

..Respondent

Prayer: Criminal Revision under Section 442 of BNSS, 2023
challenging the order dated 05.12.2024 passed in Crl.M.P. No. 681 of 2024
by the learned District Munsif cum Judicial Magistrate, Cheyyur,
Chengalpattu District.

For Petitioner :: Mr.A. Murugavel

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



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ORDER

The revision challenges the dismissal of the petitioner's application filed under Sections 497 and 503 BNSS seeking return of the vehicle bearing Registration NO. TN 19 BX 0605.

2. An FIR was registered in Crime No. 846/3024 by the respondent Police for the offences under Sections 4(1)(C) r/w 4(1)(a) of the Tamil Nadu Prohibition (Amendment) Act, 2024 on the allegation that the accused had used the aforesaid vehicle for transporting liquor purchased from TASMAL outlet to sell illegally in open market. During the course of investigation, the said vehicle used by the accused was seized.

3. The petitioner claiming ownership of the vehicle, sought return of the vehicle by filing Crl.M.P. NO. 681 of 2024 and by the order impugned, the said petition was dismissed by the learned Magistrate on the ground that confiscation proceedings have been initiated.



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4. Learned ocunsel for the petitioner would submit that the vehicle is kept at the Police Station ever since the date of seizure i.e., on 01.10.2024 and subjected to vagaries of weather and that since the petitioner is not an accused, he may be imposed with stringent conditions for the return of the vehicle.

5. Learned Government Advocate (Crl.Side), on instructions, would submit that the petitioner is not an accused and that there are no previous cases against the accused involved in the said offence. Though confiscation proceedings have been initiated, further steps are yet to be taken.

6. In the light of the aforesaid submissions, this Court is of the view that since the petitioner is the owner of the vehicle, he is entitled to interim custody of the vehicle. The same can be returned to the petitioner subject to the result of the confiscation proceedings initiated by the respondent.



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7. Accordingly, this Criminal Revision Case is allowed and the

impugned order dated 05.12.2024 passed by the learned District Munsif cum Judicial Magistrate, Cheyyur, Chengalpattu in Crl.M.P.No.681 of 2024 in Crime No.846 of 2024 is set aside. In view of the same, the respondent is directed to return the vehicle viz.,TVS Jupiter bearing Regn.No.TN-19-BX-0605 to the petitioner on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Cheyyur, Chengalpattu District;

(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, Cheyyur, Chengalpattu District 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;



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(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.

28.01.2025

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To

1. The District Munsif cum Judicial Magistrate, Cheyyur, Chengalpattu District.
2. The Inspector of Police, Prohibition Enforcement Wing, Madurantakam, Chengalpattu District.
3. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN,J.

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