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Crl.R.C.No.128 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27/1/2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.128 of 2025

T.Sasikumar

...

Petitioner

Vs.

The State

Rep. by the Inspector of Police,

PEW Kottakuppam

Villupuram District.

...

Respondent

PRAYER: Criminal Revision Petition filed under Section 438 (10 r/w. 442 of BNSS to set aside the order dated 27/12/2024 passed by the District Munsif-cum-Judicial Magistrate, Vanur in Crl.M.P.No.295 of 2024 in Crime No.1500 of 2024 and grant relief sought for under Section 497 of BNSS.

For Petitioner

...

Mr.G.Tamilselvan

For Respondent

...

Mr.S.Udaya Kumar
Government Advocate
(Crl.Side)

ORDER



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The revision challenges the dismissal of the petitioner's application filed under Section 438 (1) r/w.442 BNSS for interim custody of his vehicle viz., Maruti Suzuki (Alto VXI+) bearing Registration No.TN03-AC-9813.

2. A First Information Report was registered in Crime No.1500 of 2024 under Sections 4 (1) (a), 4 (1) (c), 4 (1) (h), 4 (1) (A), 14 (A) of the Tamil Nadu Prohibition Act against certain persons for possession of liquor bottles illegally transported from Pondicherry. During the course of investigation, the petitioner's vehicle which was used for transportation of liquor bottles was seized on 9/11/2024. The petitioner sought for return of the said vehicle and the learned Magistrate dismissed the said petition on the ground that the vehicle is liable for confiscation under Section 14 (4) of the Tamil Nadu Prohibition Act.

3. The learned counsel appearing for the petitioner would submit that admittedly, the petitioner is not an accused; that the petitioner had no knowledge of the alleged transportation of liquor bottles; that the vehicle is



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kept idle at the Police Station and is subjected to vagaries of weather and that the petitioner is ready to comply with any condition that this Court may impose and prayed for return of the vehicle.

4. The learned Government Advocate (Criminal Side) per contra submitted that since the vehicle was involved in an offence under Section 14 (4) of the Tamil Nadu Prohibition Act, it is liable for confiscation; that a notice has been issued and that further steps for confiscation are yet to be taken.

5. In the light of the above submission, this Court is of the view that admittedly, the petitioner is the owner of the vehicle and is not an accused, interim custody of the vehicle can be handed over to the petitioner, subject to the result of the confiscation proceedings. Accordingly, respondent is directed to release the vehicle of the petitioner on the following conditions:-



(i). The petitioner shall execute a bond for a sum of Rs.3,00,000/- (Rupees Three lakhs only) with two sureties to the satisfaction of the District Munsif-cum-Judicial Magistrate, Vanur;

(ii)The petitioner shall produce the original RC Book along with self attested photostat copy of RC Book of the vehicle and other relevant records to prove his ownership. The learned Principal Special Judge shall peruse the RC book and other records, retain 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.



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WEB COPY 6. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 27/12/2024 passed by the learned District Munsif-cum-Judicial Magistrate, Vanur, in Crl.M.P.No.295 of 2024 in Crime No.1500 of 2024 is set aside.

27/1/2025

mvs.

To

1. The District Munsif-cum-Judicial Magistrate, Vanur
2. The Inspector of Police
PEW Kottakuppam
Villupuram District.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J

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