



Crl.O.P.No.3835 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.3835 of 2025

Elumalai

... Petitioner

Vs

The State represented by
Sub Inspector of Police Station,
Vikravandi Police Station,
Villupuram District.

Crime No.456 of 2024

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/ 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order in Crl.R.P.No.33 of 2024 dated 20.12.2024 passed by the Learned Principal Sessions Judge, Villupuram by the confirming the order in Crl.M.P.No.1099/2024 dated 05.08.2024 passed by the Learned District Munsif cum Judicial Magistrate, Vikkiravandi and allowing this Criminal Original Petition.

For Petitioner : Mr.B.Sundarapandiyan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.side)

ORDER



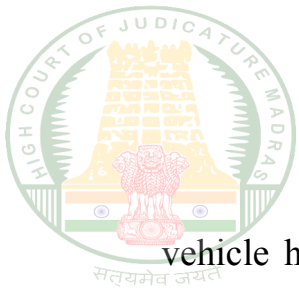
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This Criminal Original Petition has been filed challenging the order passed in Crl.R.P.No.33 of 2024 dated 20.12.2024 by the Learned Principal Sessions Judge, Villupuram, thereby dismissed the petition sought for return of vehicle.

2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The petitioner owned a two wheeler Honda Motorcycle bearing Registration No.TN 32 AR 1506. On the request made by the accused, who is a neighbour, the petitioner handed over the two wheeler for medical emergency. However, the accused went to Pondicherry and caught hold in possession of liquor bottles and the same was seized by the respondent for illegal transportation on illicit arrack and registered FIR in Crime No.456 of 2024 for the offence punishable under Section 4(1)(a) of TNP Act. Pursuant to the registration of FIR, the vehicle was also seized and the confiscation proceedings is under progress. In the meanwhile, the petitioner filed a petition under Section 457 of Cr.P.C and the same was also dismissed, on the ground that already the confiscation proceedings in under progress.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the confiscation proceedings in respect of the



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vehicle has been initiated and the petitioner has to challenge the confiscation proceedings in the manner known to law.

5. Admittedly, though the confiscation proceedings has been initiated, no final order has been passed to confiscate the vehicle. Further, the petitioner is not an accused and he is the owner of the two wheeler and he had just handed over the two wheeler to the accused on medical emergency. However, it was used for carrying liquor from Pondicherry. Further, the pendency of the confiscation proceedings is not a bar for granting interim custody of the vehicle. Therefore, the impugned order cannot be sustained and is liable to be quashed.

6. In view of the above, the order passed in Crl.R.P.No.33 of 2024 dated 20.12.2024 by the Learned Principal Sessions Judge, Villupuram, is hereby quashed. Accordingly, this Criminal Original Petition stands allowed.

7. The learned District Munsif cum Judicial Magistrate, Vikkiravandi is directed to return the vehicle bearing Registration No.TN 32 AR 1506 Honda Motorcycle to the petitioner, on the following conditions:-



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(i)The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Magistrate, on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicle;

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

(iii)The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only), as non-refundable deposit through RGS/NEFT in favour of the The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c.No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856, on such payment and production of proof, the vehicle shall be returned.

(iv)The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent and by the court below and as well as by the District Collector of the District or authorized officer in that behalf by the Government.

(v)The petitioner shall participate in the confiscation proceedings if any initiated and shall produce the vehicle before the confiscation authority.



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This order is subjected to the confiscation proceedings.

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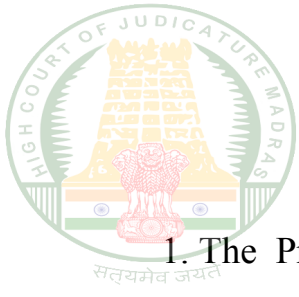
13.02.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn

G.K.ILANTHIRAIYAN. J,

mn

To



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1. The Principal Sessions Judge, Villupuram.

2. The District Munsif cum Judicial Magistrate, Vikkiravandi.

3. The Sub Inspector of Police Station,
Vikravandi Police Station,
Villupuram District.

4. The Public Prosecutor,
High Court, Madras.

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