



Crl.R.C.No.344 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.344 of 2025

A.Vinoba

... Petitioner

..VS..

The State Represented by
The Inspector of Police,
PEW Mamallapuram Police Station,
Crime No.768 of 2024,
U/s.4(1)B TNP Amendment Act
R/w.4(1)(aa) TNP Act.

... Respondent

Criminal Revision Case filed under Section 442 of BNSS, 2023, to set aside the order dated 07.02.2025 made in Crl.M.P.No.33 of 2025 on the file of the District Munsif-cum-Judicial Magistrate, Thirukazhukundram, concerned in Crime No.768 of 2024 on the file of the respondent Police and order interim custody of the vehicle namely Maroon Colour Maruti Wagon R LXI Duo LMV Car bearing Registration No.TN-20-CY-3903, Engine No.K10BN7160015, Chassis No.MA3EWDEIS00421177 to the petitioner pending investigation and confiscation proceedings.



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For Petitioner : Mr.N.S.Sivakumar
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Revision Petition is filed against order dated 07.02.2025 made in Crl.M.P.No.33 of 2025 on the file of the District Munsif-cum-Judicial Magistrate, Thirukazhukundram, declining to return the vehicle involved in Crime No.768 of 2024 on the ground that since confiscation proceedings have been taken, the vehicle cannot be returned to the owner of the vehicle.

2. The petitioner is the owner of the vehicle namely Maroon Colour Maruti Wagon R LXI Duo LMV Car bearing Registration No.TN-20-CY-3903, Engine No.K10BN7160015, Chassis No.MA3E WDEIS00421177 and according to the petitioner, the said vehicle was seized by the respondent-Police. Later he came to know that the said vehicle is said to have been involved in the case in Crime No.768 of 2024 for the offences punishable under Sections 4 (1)(aa) and 4(1)(B) of Tamil Nadu Prohibition Act for allegedly transporting 24 bottles (750 ml each) of Pondicherry Liquor in the said vehicle. Therefore, the petitioner filed

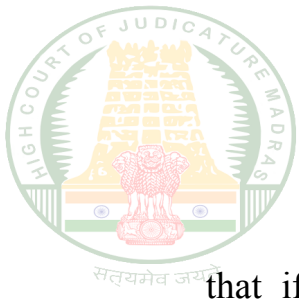


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a petition under Sections 497 and 503 BNSS, 2023 in Crl.M.P.No.33 of 2025 before the District Munsif-cum-Judicial Magistrate, Thirukazhukundram, seeking for interim custody of the vehicle. The learned Magistrate, after hearing the objections on the respondent's side dismissed the said petition holding that it was not feasible to grant interim custody of the vehicle to the petitioner as confiscation proceedings was in progress. The said order was challenged in the present Criminal Revision Petition.

3. Learned counsel for the petitioner submitted that the petitioner is the owner of the subject vehicle and he is not involved in the alleged offence either directly or indirectly and that the said vehicle has been misused by the accused without the knowledge of the petitioner. He further submitted that learned Magistrate failed to properly consider the scope of the powers conferred under Sections 497 and 503 BNSS, 2023 and that on an erroneous impression that no interim custody of the vehicle can be granted to anybody claiming to be the owner or the person entitled to the custody thereof, if proceedings for confiscation of the said vehicle is pending, dismissed the petition on 07.02.2025. He further submitted



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that if the vehicle in question is left idle in the open space exposed to sun and rain, the condition of the vehicle would be deteriorated and the value of the vehicle would be lost, thereby, putting the petitioner to great loss and hardship and hence, he seeks interim custody of the vehicle and that he would abide by stringent conditions, if any, to be imposed on him.

4. Learned Additional Public Prosecutor appearing for the respondent-Police, reiterated the contention that was raised before the Court below that the petitioner is not entitled to seek interim custody of the vehicle since confiscation proceedings have been initiated.

5. This Court considered the rival submissions and perused the materials available on record.

6. Taking note of the above submissions, this Court finds that investigation is pending and charge sheet is not yet filed and confiscation proceedings have been initiated by the competent authority under Section 14(4) of Tamil Nadu Prohibition Act. Pending confiscation proceedings no orders for interim custody of the vehicle can be passed. Therefore,



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this Court does not find any reason to interfere with the order passed by the Court below. Accordingly, this Criminal Revision Petition is dismissed. It is open to the petitioner to participate in the confiscation proceedings.

05.03.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Case Citation : Yes / No
ms

To

1. The District Munsif-cum-Judicial Magistrate,
Thirukazhukundram.
2. The Inspector of Police,
PEW Mamallapuram Police Station.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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