



WEB COPY



Crl.R.C.No.401 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 401 of 2025

Praveen

... Petitioner

..VS..

The State Rep.by
Inspector of Police,
HUDCO Police Station,
Hosur, Krishnagiri District,
Crime No.474 of 2023.

... Respondent

Criminal Revision Case filed under Sections 438 read with 442 BNSS, 2023, to call for the records in C.M.P.No.4923 of 2024 on the file of the learned Judicial Magistrate No.II, Hosur and set aside the order in C.M.P.No.4923 of 2024 dated 20.01.2025 and consequently direct the respondent Police to return the vehicle Hyundai Motor India Ltd., Creta 1.A CRDI S+, Polar White Colour Car bearing Registration Number MH 02 EP 3657 to the petitioner.

For Petitioner	:	Mr.S.Sheik Thanveer Ahamed
For Respondent	:	Mr.S.Sugendran Additional Public Prosecutor



Crl.R.C.No.401 of 2025

ORDER

WEB COPY

This Criminal Revision Petition is filed against order dated 20.01.2025 made in C.M.P.No.4923 of 2024 on the file of the Judicial Magistrate No.II, Hosur, and consequently, direct the respondent-Police to return the vehicle Hyundai Motor India Ltd., Creta 1.A CRDI S+, Polar White Colour Car bearing Registration Number MH 02 EP 3657 to the petitioner.

2. The petitioner is the owner of the vehicle namely Hyundai Motor India Ltd., Creta 1.A CRDI S+, Polar White Colour Car bearing Registration Number MH 02 EP 3657, and according to the petitioner, the said vehicle was seized by the respondent-Police on 10.12.2023 in connection with the case in Crime No.474 of 2023 for the offences punishable under Sections 6 and 20(1) of Cigarette and Other Tobacco Products Acts, 2003, Section 328 of Indian Penal Code, 1860 and Section 4(1) (a) of Tamil Nadu Prohibition Act for allegedly transporting Tobacco products in the said vehicle. Therefore, the petitioner filed a petition under Sections 497 read with 503 BNSS, 2023 in



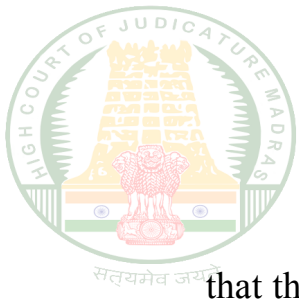
Crl.R.C.No.401 of 2025

Crl.M.P.No.4923 of 2024 before the Judicial Magistrate No.II, Hosur,

WEB COPY

seeking for interim custody of the said 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 vehicle in question and he is not involved in the alleged offences either directly or indirectly. He further submitted that learned Magistrate failed to properly consider the scope of the powers conferred under Sections 497 and 503 BNSS, 2023 and also failed to consider the dictum laid down by the Hon'ble Apex Court in ***Sunderbhai Ambalal Desai Vs. State of Gujarat (SLP.Crl.No.2745 of 2022)*** 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 20.01.2025. He further submitted



Crl.R.C.No.401 of 2025

WEB COPY

that the said vehicle is kept in the custody of the Police and 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, submitted that the vehicle was used for illegal transportation of Tobacco products without any permission and if the vehicle is ordered to be returned, the petitioner may use the vehicle for committing similar offences. He further submitted that in this case confiscation proceedings have been initiated and notice also issued to the petitioner on 09.01.2024 and hence, he strongly objects to return the subject vehicle to the petitioner.

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



Crl.R.C.No.401 of 2025

WEB COPY

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, this Court does not find any reason to interfere with the order passed by the Court below. Accordingly, this Criminal Revision Petition is dismissed.

7. Though the confiscation proceedings have been initiated, the authority concerned is directed to conduct enquiry in the manner know to law and conclude the proceedings within a period of two months from the date of receipt of a copy of this order. The petitioner is at liberty to participate in the confiscation proceedings and extend his fullest co-operation to conclude the proceedings.

10.03.2025

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

Page No.5/7



Crl.R.C.No.401 of 2025

WEB COPY

To

1. The Judicial Magistrate No.II,
Hosur.
2. The Inspector of Police,
HUDCO Police Station,
Hosur, Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.R.C.No.401 of 2025

P.VELMURUGAN, J.

ms

Crl.R.C.No.401 of 2025

10.03.2025