



CrI.R.C.No. 746 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM:

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

CrI.R.C.No. 746 of 2025

SRS Travels rep. by its
Special Power of Attorney
Venkataraman
No.78D/3, Jeeva Street,
Pasumpon Nagar,
Palanganatham,
Madurai – 625 003.

..... Petitioner

Vs

State rep. by
The Inspector of Police,
Salem City Police Station,
Salem Town,
Salem.
(Crime No.228 of 2025)

..... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order in C.M.P.No.443 of 2025 dated 26.03.2025 passed by the Hon'ble Judicial Magistrate Court No.I, Salem and consequently to release the petitioner's bus bearing Registration No.KA-01-AF-6654, which was seized by the respondent.

For Petitioner : Mr.R.Amardeep

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



CrI.R.C.No. 746 of 2025

ORDER

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This Criminal Revision Case has been filed challenging the order dated 26.03.2025 passed in CMP No.443 of 2025 on the file of the Judicial Magistrate No.I, Salem, thereby dismissing the petition filed for return of vehicle viz., Bus bearing Registration No.KA-01-AF-6654.

2. The case of the prosecution is that the driver of the bus was found to be in possession of tobacco products. On 01.03.2025, when the bus was stopped near Nangavalli bus stop, Salem District the respondent recorded the confession of the driver of the bus and registered an FIR in Crime No.228 of 2025 for the offences punishable under Sections 7 and 24(1) of the Cigarette and other Tobacco Products Act, 2003 and Section 123 of the Bharatiya Nyaya Sanhita, 2023 and accordingly, seized the bus along with the tobacco products. Thereafter, the petitioner, being the lawful owner of the vehicle, filed a petition seeking return of the bus.

3. The learned counsel for the petitioner submitted that the petitioner is the lawful owner of the bus and he has no connection with the alleged illegal activities committed by his driver. He further submitted that the seizure pertains only tobacco products and the petitioner is ready and willing to comply



CrI.R.C.No. 746 of 2025

with any conditions imposed by this Court for the release of the vehicle.

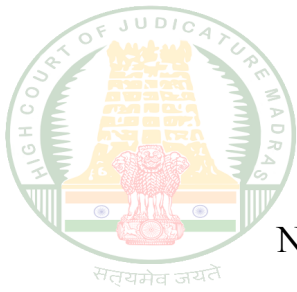
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4. The learned Additional Public Prosecutor would submit that the petitioner is not an accused in the case. He further submitted that the tobacco product companies are situated in Karnataka and as such, all the Omni Buses are used to transport such tobacco products from Karnataka, including through the vehicle in question.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court is inclined to order return of the vehicle to the petitioner and accordingly, the order dated 26.03.2025 passed in CMP No.443 of 2025 on the file of the Judicial Magistrate No.I, Salem, is hereby set aside. The learned Judicial Magistrate No.I, Salem, is directed to return the Bus bearing Registration No.KA-01-AF-6654 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.5,00,000/- (Rupees Five lakhs only) to the satisfaction of the concerned Magistrate to the credit of Crime



CrI.R.C.No. 746 of 2025

No.228 of 2025 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original registration certificate of the vehicle with the concerned Magistrate.

(iii) the seized item should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner.

(iv) the petitioner shall not alienate and shall not make any alteration in the vehicle.

(v) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

(vi) If any of the conditions are violated, this order automatically stands cancelled.

7. Accordingly, the Criminal Revision Case stands allowed.

13.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. The Judicial Magistrate No.I,
Salem.

2. The Inspector of Police,
Salem City Police Station,

Page 4 of 6



CrI.R.C.No. 746 of 2025

Salem Town,
Salem.

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3. The Public Prosecutor,
High Court, Madras.



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CrI.R.C.No. 746 of 2025

G.K.ILANTHIRAIYAN, J.
Lpp

CrI.R.C.No. 746 of 2025

13.06.2025