

Crl.R.C.No.627 of 2025

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N.SENTHILKUMAR.J.

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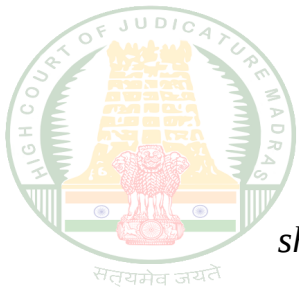
It is brought to the knowledge of this court that even as early as on 02.06.2025, the case was listed before this court under the caption "For Being Mentioned" at the instance of the petitioner that a mistake has crept in the original order in mentioning the number of the criminal miscellaneous petition, which is impugned in the criminal revision case and the same was corrected and corrected order was uploaded.

2. Today, it is brought to the knowledge of this court that in the penultimate paragraph of the original order dated 22.05.2025, the vehicle number involved in this criminal revision case has not been mentioned and hence it is listed again today under the caption "For Being Mentioned".

3. In the petition filed in support of the criminal revision case and in the impugned order, the vehicle number is mentioned as KA-51 C-2657 TATA Tipper Lorry.

4. In such view of the matter, the following paragraph shall be substituted in the place of paragraph No.3 of the original order.

"3. In view of the same, the order passed by the learned Judicial Magistrate No.II, Hosur dated 24.02.2025 in Crl. M.P. No.257 of 2025 is set aside and the vehicle bearing Registration No.KA-51 C-2657 TATA Tipper Lorry,



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Crl.R.C.No.627 of 2025

shall be released forthwith on the following conditions:

i) Upon production of original RC Book and Insurance.

ii) Photostat of the documents to be produced to the respondent/police.

iii) The petitioner shall execute a bond for a sum of Rs.25,000/-.

iv) Thereafter, the respondent/police release the vehicle to the petitioner.

v) The petitioner also file an affidavit that the vehicle will not be alienated and it will be produced as and when he is directed to do so.

5. All the other observations made in the earlier order dated 22.05.2025 shall remain intact.

6. Registry is directed to carry out the necessary correction as aforesaid in the original order dated 22.05.2025 and issue fresh copy of the order to the learned counsel for the parties.

05.06.2025

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Crl.R.C.No.627 of 2025

N.SENTHILKUMAR, J.

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Crl.R.C.No.627 of 2025

05.06.2025



Crl.R.C.No.627 of 2025

Crl.R.C.No.627 of 2025

WEB N.SENTHILKUMAR.J,

Today, this matter is listed under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2. Learned counsel for the petitioner submitted that, this Court, vide order dated 22.05.2025 allowed the Criminal Revision by setting aside the order made in Crl.M.P.No.257 of 2025 passed by the learned Judicial Magistrate No.II, Hosur. However, in para 3 of the said order, inadvertently, a typographical error has crept in wherein, it is mentioned as Crl.M.P.No.1217 of 2020 on the file of the learned Additional District Munsif-Cum Judicial Magistrate, Ambur, Vellore instead of Crl.M.P.No.257 of 2025 on the file of the learned Judicial Magistrate No.II, Hosur, which requires to be modified. He further submitted that the addresses 1 to 4 mentioned in Page No.9 may be deleted, as they are not relevant to the present case.

3. After perusing the order dated 22.05.2025, more specifically, para-3, this Court is satisfied that Crl.M.P.No.1217 of 2020 on the file of the learned Additional District Munsif-Cum Judicial Magistrate, Ambur, Vellore should be



Crl.R.C.No.627 of 2025

N.SENTHILKUMAR, J.

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modified as Crl.M.P.No. 257 of 2025 on the file of the learned Judicial
Magistrate No.II, Hosur, and accordingly, in Paragraph 3 of the order dated
22.05.2025, the said corrections shall be carried out and the addresses 1 to 4
mentioned in page No.9 shall stand deleted.

4. All the other observations made in the earlier order dated 22.05.2025
shall remain intact.

5. Registry is directed to carry out the necessary correction as aforesaid in
the order dated 22.05.2025 and issue fresh copy of the order to the learned
counsel for the parties.

02.06.2025

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Crl.R.C.No.627 of 2025



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Crl.R.C.No.627 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.R.C.No.627 of 2025

M/s.Cherry Infra Tech
Rep by its Proprietor,,
Tr.Anandhkumar
S/o.Anandhkumar, S/o.Gowdappa
D.No.45/70, 4th Street, Indra Nagar,
Hosur-635 109,
Krishnagiri District.

... Petitioner

Vs.

State by,
The Sub Inspector of Police,
Mathigiri Police Station,
Hosur, Krishnagiri District.

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 438 of B.N.S.S., 2023 to call for records in Crl.MP.No.257 of 2025 on the file of the learned Judicial Magistrate-II, Hosur and set aside the order in Crl.MP.No.257 of 2025 dated 24.02.2025.

For Petitioner : Ms.M.Sneha

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



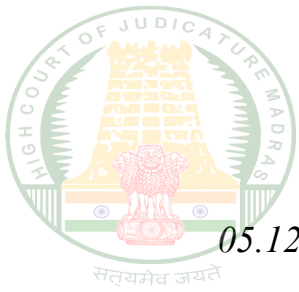
ORDER

WEB COPY The Revision Petitioner has owned a vehicle bearing Regn.No.KA-51-C-2637 was intercepted by the respondent police for carrying liquor bottles. The vehicle was confiscated and the same was produced before the learned Judicial Magistrate, Hosur in Cr.No.50 of 2025. The petitioner has sought for release of the vehicle.

2. This Court vide order dated 04.06.2021 in Crl.R.C.No.323 of 2021 had considered the similar prayer and passed the following order:

“This Criminal Revision Case has been filed to set aside the order dated 05.12.2020, made in Crl.M.P.No.1217 of 2020, passed by the learned Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District.

2.The petitioner is the owner of Piaggio Auto Rickshaw bearing registration No.TN-23-BX-1675. He filed the petition for return of his vehicle, which was seized in connection with the case in Crime No.643 of 2020, for the offence under Section 4(1)(a) of Tamil Nadu Prohibition Act, 1937. The petitioner being the owner of the vehicle filed the petition for return of property in CMP.No.1217 of 2020 before the Additional District Munsif cum Judicial Magistrate Court, Ambur, Vellore District. The Lower Court, by an order dated



05.12.2020, dismissed the case, against which the present petition is

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3.The gist of the case is that on 29.10.2020, the respondent/police was under routine surveillance near T.K. Melsanagakuppam, Kuttu Road, at Ambur Junction. At that time, the above said vehicle proceeded on that road. When the respondent/police attempted to stop the vehicle, it did not stop and proceeded with over speed. Thereafter, the respondent/police stopped the Auto and questioned the driver. On questioning, the auto driver disclosed that his name is Prabhu and he clandestinely transported liquor bottles viz., One Man Army, XXX Rum and 100 number of bottles of Chef XXX Rum without any valid license. Thereafter, the Auto and the accused/driver were produced before the respondent/police and a case came to be registered. As regards the vehicle, the Additional Superintendent of Police, initiated confiscation proceedings under Section 14(4) of the TNP, Act.

4.The contention of the petitioner is that he is the owner of the vehicle and he is not an accused. Further, he submitted that the vehicle was taken by his friend one Prabhu, for the purpose of medical emergency, to take his mother to the hospital, but, he misused

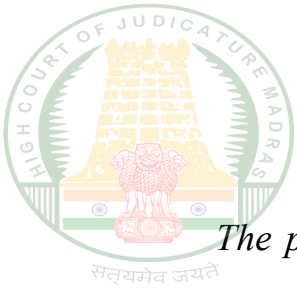


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the vehicle without authority and knowledge of the petitioner and proceeded with the above said liquor bottles. The petitioner's livelihood depends upon the above said Auto Rickshaw, which he used to hire for his livelihood. Though it is stated that the confiscation proceedings has been initiated as early as on 02.12.2020, as on date, no communication had been received by the petitioner about the confiscation proceedings. The vehicle is kept in open space whereby value of the vehicle is getting diminished and the condition of the vehicle is getting deteriorated.

5.The learned Additional Public Prosecutor submitted that the petitioner involved in prohibition offence. The vehicle was seized when it was driven by one Prabhu, who had transported hundreds of liquor bottles. He was caught red-handed and arrested. When the vehicle was seized on 29.10.2020, the confiscation proceedings has been initiated and letters have been communicated to the Additional Superintendent of police. If the vehicle is returned to the petitioner, he would alienate the vehicle and the confiscation proceedings could not be completed. Therefore, the learned Additional Public Prosecutor objected to the return of the vehicle.

6.Considering the rival submissions and perused the materials.



WEB COPY The petitioner is the owner of the vehicle and he also produced the book, license, insurance and other documents to prove his ownership. The contention of the petitioner is that the vehicle is kept in open space and its value will be diminished and the condition of the vehicle will be deteriorated. In support of his contention, he relied upon a decision rendered by this Court, in the case of **Oli Mohammed Vs. State** reported in 2005(1) LW (Crl) 93 and in the decision in the case of **Malar Vs. State** reported in 2013(2) CTC 315

7. Admittedly, the petitioner is the owner of the vehicle and not an accused in this case. Though as early as on December 2020, confiscation proceedings have been initiated, till date it is not known as to what is the stage of such proceedings. The petitioner's livelihood depends upon the income earned through hiring of the Auto. This Court consistently held that the pendency of the confiscation proceedings would not be a bar for return of the property to its owner. Having regard to the above, this Court is inclined to issue directions to return the vehicle to the petitioner subject to the following conditions:-

- i) Upon production of original RC Book and Insurance.
- ii) Photostat of the documents to be produced to the



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respondent/ police.

iii) The petitioner shall execute a bond for a sum of Rs.25,000/-

iv) Thereafter, the respondent/police release the vehicle to the petitioner.

8.Once the normal functioning of the Courts commences, within 15 days from thereon, the petitioner shall execute the bond of Rs.25,000/- and produce the original documents of RC, Insurance, submit the photostat copies. The petitioner also file an affidavit that the vehicle will not be alienated and it will be produced as and when he is directed to do so.

9.With the above observations and directions, the Criminal Revision Case is disposed of.

3. In view of the same, the order passed by the trial court in Crl.MP.No.1217 of 2020 on the file of the learned Additional District Munsif-Cum-Judicial Magistrate, Ambur, Vellore District is set aside and the vehicle shall be released forthwith on the following conditions:

- i) Upon production of original RC Book and Insurance.
- ii) Photostat of the documents to be produced to the respondent/



Crl.R.C.No.627 of 2025

police.

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- iii) The petitioner shall execute a bond for a sum of Rs.25,000/-.
- iv) Thereafter, the respondent/police release the vehicle to the petitioner.
- v) The petitioner also file an affidavit that the vehicle will not be alienated and it will be produced as and when he is directed to do so.

4. Accordingly, this Criminal Revision Petition is allowed.

22.05.2025

Vv

1. The Judicial Magistrate-II, Hosur
2. The The Sub Inspector of Police,
Mathigiri Police Station,
Hosur, Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.



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Crl.R.C.No.627 of 2025

N.SENTHILKUMAR,J.

Vv

To

1. The Judicial Magistrate-V, Coimbatore
2. The Inspector of Police,
Variety Hall Road Police Station,
Coimbatore District
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.13025 of 2025

s22.05.2025