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Crl.R.C.No.864 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.07.2025

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

Crl.R.C.No.864 of 2025

The State of Tamil Nadu Rep by,
The Inspector of Police,
PEW, Nannilam,
Thiruvarur District.
Cr.No.1194/2024.

..... Petitioner

Vs

Ragul

..... Respondent

Prayer: Criminal Revision is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Crl.M.P.No.44 of 2025 on the file of the District Munsif cum Judicial Magistrate, Nannilam, pertaining to the case registered in PEW, Nannilam, Crime No.1194 of 2024 and to set aside the order dated 05.02.2025.

For petitioner : Mr.A.Gopinath
Government Advocate (Crl.Side)

For Respondent : Mr.M.Ganesh

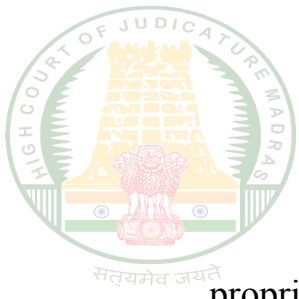
**ORDER**

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This Criminal Revision has been filed challenging the order dated 05.02.2025 passed in CrI.M.P.No.44 of 2025 on the file of the District Munsif-cum-Judicial Magistrate, Nannilam, thereby allowing the application seeking return of the property.

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

3. The respondent owned a Mahindra XUV 700 Car bearing Registration No.TN-68-AX-7777. The said vehicle was used by the accused for transportation of 17 litre 130 ml Puducherry Liquor without any valid permission. During a routine check up, the accused was found in possession of the contraband inside the said vehicle. Pursuant to the seizure of the contraband, an FIR was registered in Crime No.1194 of 2024, for the offences under Sections 4(1)(A), 4(1)(C) of the Tamil Nadu Prohibition Act. The petitioner Police seized the contraband along with the vehicle, and produced them before the Trial Court. The respondent, being the



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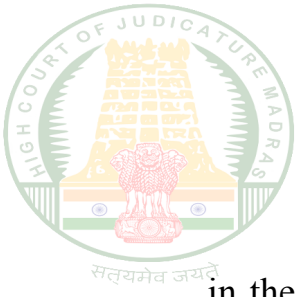
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proprietor of NTR Transport, filed a petition seeking return of the vehicle on the ground that the vehicle is registered in the name of NTR Transport and the same was allowed by the Trial Court. Aggrieved by the same, the present revision has been filed by the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the petitioner Police would submit that the order passed by the Trial Court is liable to be set aside on two grounds : (i) the respondent is not the proprietor of NTR Transport ; and (ii) confiscation proceedings have already been initiated as against the said vehicle. However, the Trial Court, without considering these aspects, allowed the petition filed by the respondent seeking return of the vehicle.

5. Per contra, the learned counsel appearing for the respondent produced the MSME Certificate to substantiate that the respondent is the proprietor of NTR Transport.

6. It is seen from the records that the respondent is the proprietor of NTR Transport. Admittedly, the said vehicle was involved



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in the commission of an offence under the Tamil Nadu Prohibition Act.

Pursuant to the seizure of the vehicle, confiscation proceedings have already been initiated by the petitioner. The Trial Court, without considering the above facts, allowed the application and ordered return of the vehicle to the respondent.

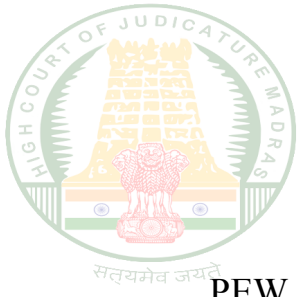
7. In view of the above, this Court finds infirmity in the order passed by the Trial Court and is liable to be set aside. Accordingly, the order dated 05.02.2025 passed in CrI.M.P.No.44 of 2025 on the file of the District Munsif-cum-Judicial Magistrate, Nannilam, is hereby set aside and this Criminal Revision Petition is allowed. The petitioner is directed to complete the confiscation proceedings within a period of eight weeks from the date of receipt of a copy of this order.

07.07.2025

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

1. The District Munsif cum Judicial Magistrate, Nannilam.

2. The Inspector of Police,



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PEW, Nannilam,
Thiruvarur District.

3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
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