



Crl.R.C.No. 1120 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2025

CORAM:

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

Crl.R.C.No.1120 of 2025

Tabarak Basha
S/o. Abdul Razak,
No.8/4, New Labbai Street,
R.N.Palayam,
Vellore District.

... Petitioner

Vs

State rep. by
The Inspector of Police
Virutampet Police Station,
Vellore District.
Crime No.294 of 2024

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS., to set aside the order passed in C.M.P.No.893 of 2025 on the file of the learned Judicial Magistrate No.III, Vellore, Vellore District vide order dated 17.03.2025 consequently direct the interim custody of the petitioner's TVS Jupiter Scooter/Moped bearing registration No.TN 23 BJ 8698 Engine No.BG4NE1366500, Chasis No.MD62BG41E1N73155.

For Petitioner : Mr. M.Sathish Kumar

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



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ORDER

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This Criminal Revision has been filed challenging the order passed in C.M.P.No.893 of 2025 on the file of the learned Judicial Magistrate No.III, Vellore, vide order dated 17.03.2025, thereby dismissed the petition to return the property.

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

3. On perusing the documents placed on record, it is seen that the petitioner owns a two wheeler, viz., TVS Jupiter Scooter/Moped bearing registration No.TN 23 BJ 8698 and he transported tobacco products weighing 30 kgs. Therefore, the respondent lodged a FIR in Crime No.294 of 2024 for the offences punishable under Sections 7(5), 20(2) of COTPA Act r/w Section 123 of BNS Act and seized the two wheeler as well as the tobacco products. The petitioner is the owner cum accused, as such, he filed a petition for return of two wheeler, however, it was dismissed.

4. Considering the above said facts and circumstances of the case, this



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Court is inclined to return the vehicle to the petitioner and accordingly, the

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order passed in Crl.M.P.No.893 of 2025 dated 17.03.2025 by the learned Judicial Magistrate No.III, Vellore, is hereby set aside. The learned Judicial Magistrate No.III, Vellore is directed to return the TVS Jupiter Scooter/Moped two wheeler bearing registration No.TN 23 BJ 8698 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.294 of 2024 pending on the file of the respondent police.

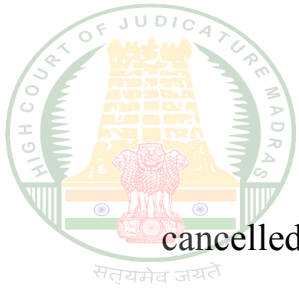
(ii) the petitioner shall deposit the original registration certificate of the vehicle with the concerned Magistrate.

(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.

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5. Accordingly, the Criminal Revision Case stands allowed.

18.07.2025

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

bkn



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1.The Judicial Magistrate No.III
Vellore

2. The Inspector of Police
Viruthampet Police Station,
Vellore District

3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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