



*Crl.RC.No.1124 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

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S.Janarthanan  
S/o. Sankaran,  
15/9, Anugraha, P.N.Pudur,  
Coimbatore – 641 041.

...Petitioner

Vs.

The State Rep. by  
The Inspector of Police,  
Alandurai Police Station,  
Coimbatore.  
(Cr.No.196 of 2024)

... Respondent

**PRAYER:** Criminal Revision Petition filed under Section 397 r/w. 401 of Cr.P.C. and 438 and 442 of BNSS, 2023, to call for the records of the order dated 12.03.2025 in C.M.P.No.453 of 2025 on the file of Additional District Judge / Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore and set aside the same subsequently grant interim custody of vehicle.



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For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.A.Gopinath

Government Advocate

### **ORDER**

This Criminal Revision has been filed as against the order dated 12.03.2025 in C.M.P.No.453 of 2025 on the file of the Additional District Judge / Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, thereby dismissed the petition to return the property.

2. Heard both sides and perused the materials available on record.

3. The petitioner owned a two wheeler *Honda CD 110 DREAM DLX (Imperial Red Metalli Color)* bearing registration number TN38 CX 7035 and it was handed over by the petitioner's son to other person (3<sup>rd</sup> accused). While being so, on 14.11.2024 one of the accused had transported contraband in a two wheeler bearing Registration No.TN 99 AC 4628. In pursuance of the same, FIR was registered and the aforesaid vehicles were seized and kept in the custody of the trial Court. Since the petitioner's vehicle bearing Reg.No. TN38 CX 7035, was parked at the scene of

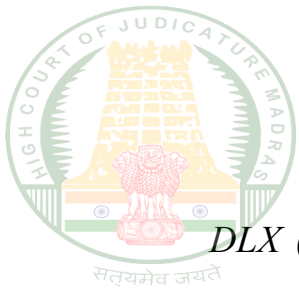


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occurrence, the same was also seized by the respondent police. Therefore, the petitioner who is being the owner of the vehicle TN38 CX 7035, filed a petition before the trial Court to return the property. However, the said petition was dismissed on the ground that the vehicle was used for transporting the contraband.

4. On a perusal of the records it is seen that the petitioner is not an accused in this case and moreover, the said vehicle was not used for transporting the contraband as alleged by the prosecution. Therefore, the petitioner had made out a *prima facie* case to return the vehicle. The trial Court has mechanically dismissed the petition for return of the property.

5. In view of the above discussions, this Court is inclined to return the vehicle to the petitioner and accordingly, the order dated 12.03.2025 in C.M.P.No.453 of 2025 on the file of the learned Additional District Judge / Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, is hereby set aside. The learned Additional District Judge / Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, is directed to return the two wheeler *Honda CD 110 DREAM*



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*DLX (Imperial Red Metall Color)* bearing registration number TN38 CX

7035 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 only) to the satisfaction of the Additional District Judge / Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, to the credit of Crime No.196 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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6. Accordingly, the Criminal Revision Case stands allowed.

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

1. The Additional District Judge / Presiding Officer, Special Court  
for Essential Commodities Act Cases, Coimbatore.

2. The Inspector of Police,  
Alandurai Police Station,  
Coimbatore.

3. The Public Prosecutor  
High Court, Madras.



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**G.K.ILANTHIRAIYAN, J.**

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