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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

CORAM:

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

Crl.R.C.No.1072 of 2025

Prakash ... Petitioner

Vs

State Rep. by
Inspector of Police,
West Police Station,
Tiruvannamalai.
Crime No.78 of 2025 ... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed by the learned Judicial Magistrate No.II, Tiruvannamalai in Crl.M.P.No.425 of 2025 dated 02.06.2025 and direct the respondent police to return the seized two Tata Ace vehicles in respect of Crime No.78 of 2025 to the petitioner.

For Petitioner : Mr.T.Shanmugam

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

ORDER

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This Criminal Revision has been filed challenging the order dated 02.06.2025 passed in Crl.M.P.No.425 of 2025 by the Judicial Magistrate No.II, Tiruvannamalai, thereby dismissing the petition seeking return of the property.

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

3. The petitioner owned TATA Ace vehicles bearing Registration Nos.TN-25-Q-8690 and TN-25-CE-9325. Both the vehicles were used for illegal transportation of tobacco products worth about Rs.2,01,576/-. All the accused persons were found in possession of tobacco products and as such, an FIR came to be registered. Pursuant to the registration of the FIR, the tobacco products and the vehicles were seized by the respondent and produced before the Trial Court. Subsequently, the petitioner filed a petition seeking return of the vehicles. However, the same was dismissed on the ground that the petitioner failed to produce the original registration certificates of the vehicles and failed to prove his ownership.

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4. The learned counsel appearing for the petitioner submitted that now the petitioner is now in possession of registration certificates of both the vehicles.

5. In view of the above, no purpose would be served merely keeping the property under the custody of the Trial Court. Accordingly, the order passed in Crl.M.P.No.425 of 2025 dated 02.06.2025, on the file of the Judicial Magistrate No.II, Tiruvannamalai, is hereby set aside and this Court is inclined to return the vehicles to the petitioner, on condition that the petitioner shall deposit the original registration certificates before the Trial Court. On production of such original registration certificates, the Judicial Magistrate No.II, Tiruvannamalai, is directed to return the vehicles, viz., TATA Ace bearing Registration No.TN-25-Q-8690 and TN-25-CE-9325 to the petitioner, forthwith on the following further conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.1,00,000/- (Rupees One lakh only) for each vehicle, to the satisfaction of the concerned Magistrate, to the credit of Crime No.78 of 2025 pending on the file of the respondent police.

(ii) the seized items should be photographed at the cost of the petitioner herein and a list is to be prepared and the same

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is to be signed by the petitioner.

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

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

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

6. Accordingly, the Criminal Revision Case stands allowed.

15.07.2025

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
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To

1. The Judicial Magistrate No.II,
Tiruvannamalai.

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2. The Inspector of Police,
West Police Station,
Tiruvannamalai.

3. The Public Prosecutor,
High Court, Madras.

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G.K.ILANTHIRAIYAN. J,

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