



Crl.R.C.No.1371 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2025

CORAM:

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

Crl.R.C.No. 1371 of 2025

Mani @ Muttaimani

... Petitioner

Vs

State rep. by
The Sub Inspector of Police
PE-Wing Police Station
Villupuram

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS Act, 2023, to call for the records in Crl.M.P No.727 of 2025 on the file of Judicial Magistrate No.1, Villupuram dated 12.05.2025 and set aside the same and subsequently return the two wheeler TN-32BC-1486 to the petitioner.

For Petitioner : Mr. T.Elumalai

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

ORDER

This Criminal Revision has been preferred as against the order passed in Crl.M.P.No.727 of 2025 dated 12.05.2025 on the file of Judicial Magistrate No.1, Villupuram, thereby dismissing the petition filed for return of vehicle namely Two wheeler bearing Registration No. TN 32 BC 1486.



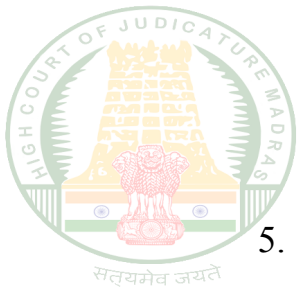
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Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner owned a Two wheeler bearing Registration No.TN-32-BC-1486. Pursuant to the registration of FIR in Crime No.83 of 2025, on the file of the respondent Police, the two wheeler owned by the petitioner was seized by the respondent alleging that the petitioner and another came in their two wheeler and possessed ganja bearing 50 gms each illegally. Pursuant to the same, the respondent registered a case in Crime No.83 of 2025 for the offence punishable under Sections 8(c) and 20(b)(ii)(A) of Narcotic Drugs & Psychotropic Substances Act. The said vehicle was produced before the Judicial Magistrate No.I, Villupuram and the same was seized from the custody of the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the respondent.

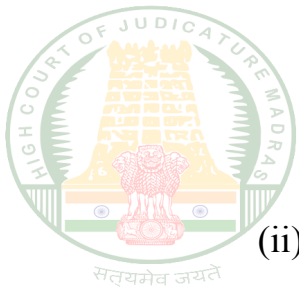


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5. Even according to the case of the prosecution, the petitioner possessed 50 gms of ganja, however, not in the vehicle. Further the provision under Section 451 of Cr.P.C.,/497(1) of BNSS provides for protection of the property from degradation due to non maintenance in the custody of the police as it takes long time for conclusion of criminal proceedings. The vehicle is in broad day light from the date of seizure and the trial has also been commenced and hence no useful purpose will be served in keeping the vehicles parked in the sunlight and rain.

6. In view of the above discussions, this Court is inclined to return the vehicle to the petitioner and accordingly, the order passed in Crl.M.P.No.727 of 2025 dated 12.05.2025 by the learned Judicial Magistrate No.1, Villupuram, is hereby set aside. The learned Judicial Magistrate No.1, Villupuram, is directed to return the two wheeler bearing Registration No.TN 32 BC 1486 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute personal 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.83 of 2025 pending on the file of the respondent police.



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(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.

7. Accordingly, the Criminal Revision Case stands allowed.

12.08.2025

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

ssd



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1. The Judicial Magistrate No.I,
Villupuram
2. The Inspector of Police,
The Sub Inspector of Police
PE-Wing Police Station
Villupuram
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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