



Crl.R.C.No.1388 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. 1388 of 2025

R.Surya

... Petitioner

Vs

The State rep. by
The Inspector of Police,
Tiruvarur New Police Station,
Tiruvarur District

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS Act, 2023, to call for the records in C.M.P.No.295 of 2025 in Crime No.139 of 2025 on the file of the learned Judicial Magistrate, Tiruvarur dated 20.05.2025 and set aside the same.

For Petitioner : Mr. T.Sakthivel

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.295 of 2025 dated 20.05.2025 on the file of Judicial Magistrate, Tiruvarur, thereby dismissing the petition filed for return of vehicle namely Two wheeler, Hero Splender bearing Registration No. TN 48 BF 7950.



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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, Hero Splender bearing Registration No.TN-48-BF-7950. Pursuant to the registration of FIR in Crime No.139 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 was found in possession of nine pondicherry liquor bottles containing 750 ml. illegally. Pursuant to the same, the respondent registered a case in Crime No.139 of 2025 for the offence punishable under Section 4(1)(c) of Tamilnadu Prohibition (Amendment) Act, 2024. The said vehicle was produced before the Judicial Magistrate, Tiruvarur and the same was seized from the custody of the petitioner.

4. The learned counsel for the petitioner would submit that the petitioner was found in possession of two bottles that too for his personal purpose and there is no previous antecedents as against the petitioner and for statistical purpose the respondent registered false case as against the petitioner.



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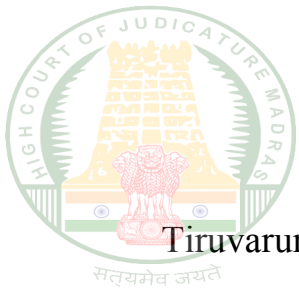
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5. The learned Government Advocate (Crl.Side) would submit that the petitioner was found in possession of 9 bottles each containing 750 ml of pondicherry liquor.

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

7. Even according to the case of the prosecution, the petitioner possessed 9 bottles of liquor, 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.

8. 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.295 of 2025 dated 20.05.2025 by the learned Judicial Magistrate,



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Tiruvarur is hereby set aside. The learned Judicial Magistrate, Tiruvarur, is

directed to return the two wheeler, Hero Splender bearing Registration No.TN

48 BF 7950 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute a 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.139 of 2025 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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WEB COPY 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, Tiruvarur

2. The State rep. by
The Inspector of Police,
Tiruvarur New Police Station,
Tiruvarur District

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



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G.K.ILANTHIRAIYAN, J.

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