



Crl.R.C.No.1525 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2025

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

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S.Saravanan

... Revision Petitioner

Vs

The State rep by,
The Inspector of Police,
Virudampet Police Station,
Vellore District.
(Crime No 266 of 2024).

...Respondents

PRAYER : Criminal Revision has been filed under Section 438 r/w 442 of BNSS, 2023, to call for the records in the order dated 20.03.2025 in Crl.MP.No.1040/2025 passed by the Learned Judicial Magistrate No.III, Vellore and set aside the same, subsequently grant interim custody of the vehicle namely TVS Victor bearing Reg.No.TN-23-CF-1591 to the petitioner in connection with the Crime No. 266/2024 on the file of the respondent police.

For Petitioner : Mr.M.Dwarakanath

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



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ORDER

This Criminal Revision has been filed challenging the order passed in Crl.MP.No.1040 of 2025 dated 20.03.2025 on the file of the learned Judicial Magistrate No.III, Vellore, thereby dismissing the petition filed seeking interim custody of a two wheeler bearing Registration No. TN 23 CF 1591.

2. The petitioner is the owner of the two wheeler- TVS Victor bearing Registration No. TN 23 CF 1591. The case of the prosecution is that during a raid in a commercial complex based on secret information, the accused persons allegedly involved in prostitution and facilitating such activities. Hence, the respondent registered an FIR in Crime No.266 of 2024 for the offence punishable under Sections 3(1), 4(2)(c), 5(1)(a) of the Immoral Traffic (Prevention) Act, 1956 r/w Section 351(3) of BNS, 2023. Pursuant to the registration of FIR, the respondent seized the vehicle and produced before the court concerned. Therefore, the petitioner, being the owner of the said vehicle, filed a petition seeking interim custody. However, without considering the above facts and circumstances, the said petition was dismissed. Aggrieved by the said order, this Criminal Revision Case has been filed.



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

4. On perusal of the records, it is revealed that the two wheeler belongs to the petitioner was seized by the respondent and the vehicle is nothing to do with the crime committed by the petitioner. The learned counsel for the petitioner requested that the vehicle may be returned to the petitioner on any condition imposed by this Court. Considering his request, this Court is inclined to return the vehicle to the petitioner and accordingly, the impugned order passed in Crl.MP.No.1040 of 2025 dated 20.03.2025 on the file of the learned Judicial Magistrate No.III, Vellore, is hereby set aside. The learned Judicial Magistrate No.III, Vellore, is directed to return the two wheeler-TVS Victor bearing Registration No. TN -23- CF- 1591 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No. 266 of 2024 pending on the file of the respondent police.



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WEB COPY (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 shall automatically stands cancelled.

7. Accordingly, the Criminal Revision Case stands allowed.

22.08.2025

Speaking order/Non-speaking order

Index :Yes/No

Internet :Yes/No

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To

1. The Judicial Magistrate No.III,Vellore.,
2. The Inspector of Police,
Virudampet Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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