



CRL RC NO. 1748 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC NO. 1748 of 2025

P.Vadivel

Petitioner(s)

Vs

The State, represented by
The Inspector of Police
Viruthampattu Police Station
Vellore District.
Crime No. 26 of 2025.

Respondent(s)

Criminal Revision Case is filed under Section 442 of BNSS, 2023
praying to set aside the order dated 10.07.2025 passed in CrI.M.P.No. 7456 of
2025 in Crime No. 26 of 2025 by the learned Judicial Magistrate No.III,
Vellore.

For Petitioner(s) : Mr.L.Ramkumar

For Respondent(s) : Dr.C.E.Pratap

Government Advocate, [Criminal Side]

ORDER

This Criminal Revision Case has been filed against the order of dismissal
dated 10.07.2025 passed in CrI.M.P.No. 7456 of 2025 in Crime No. 26 of 2025
by the learned Judicial Magistrate No.III, Vellore, seeking for return of his



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electronic bike bearing Registration No. TN-23-DH-0373, Engine No. SEG030720243531, Chasis No. MCPN2330CHH11685.

2. The case of the prosecution is that on 25.02.2025 at about 2.30 pm., when the petitioner was travelling in two wheeler vehicle bearing Registration No. TN-23-DH-0373 (Electronic Bike Ampere), the respondent police inspected the vehicle and found three white bags of containing banned tobacco products such as Hand, Cool lip and Vimal Pan Masala and the respondent police registered in Crime No. 26 of 2025 and the vehicle was seized by the respondent police.

3. The learned Counsel for the petitioner submitted that the confiscation proceedings has not commenced and now, the electronic bike ampere is exposed to rain and shine and if the bike is kept in the police station continuously, it will lose all its worth. The learned Counsel further submitted that any stringent conditions can be imposed by this Court and the petitioner will comply with the conditions.

4. Per contra, Dr.C.E.Pratap, Government Advocate, [Criminal Side]



appearing on behalf of the respondent submitted that if the bike is released, the petitioner will once again involve in the illegal transportation of banned tobacco products. He further submitted that there is no previous case against the petitioner. He concluded his arguments by submitting that even though the confiscation proceedings have not been commenced, this Court has to take a very stringent stand, when it comes to release of the vehicle involved in banned tobacco products, which has a direct impact in the natural resources.

5. Heard Mr.L.Ramkumar, learned Counsel appearing for the petitioner and Dr.C.E.Pratap, learned Government Advocate, [Criminal Side] appearing for the respondent/state. This Court has carefully considered the submissions made on either side and the orders passed by this Court below.

6. The petitioner is the owner of the electronic bike ampere and according to the petitioner, the bike now exposed to the open sky in the police station and it will become worthless over a period of time. Admittedly, the confiscation proceedings have not commenced. The petitioner also undertakes that he will not involve in any illegal activity in future and that any stringent conditions can be imposed by this Court.

7. Taking into consideration the facts and circumstances of the case,



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the order passed in Crl.M.P.No. 7456 of 2025, dated 10.07.2025 in Crime No.

26 of 2025 by the learned Judicial Magistrate No.III, Vellore, is hereby set aside and this Criminal Revision Case is allowed with the following conditions:-

- (i) The petitioner shall file an affidavit before the Court below that the electronic bike ampere shall not be used for any other illegal purpose or transportation of any banned tobacco products;
- (ii) The petitioner shall deposit the original RC Book before the Court below and the Court below shall certify the deposit of the original RC Book in the Court and such certificate can be produced by the petitioner if and when he is asked to produce the RC Book by the police during any interception;
- (iii) The petitioner shall deposit a sum of Rs.15,000/- [Rupees Fifteen Thousand Only] to the Advocate Clerks' Association, Vellore, and shall produce the said receipt before the Court below;
- (iv) The petitioner shall produce the vehicle, as and when required before the Court below.



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This order is passed without prejudice to the rights of the respondent to initiate confiscation proceedings against the petitioner.

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MSM

To

1.Judicial Magistrate No.III, Vellore.

2.The Inspector of Police
Viruthampattu Police Station

Vellore District.

Crime No. 26 of 2025.

3.The Pubic Prosecutor, High Court of Madas.

T.V.THAMILSELVI, J.,



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