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CRL RC No. 2479 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2479 of 2025

Rajesh
S/o.Raju,
Nanjanagud Taluk, Behind NKM,
Hullahalli, Mysore, Karnataka.

Petitioner(s)

Vs

State Rep. by
The Inspector of Police, Uddanapalli
Police Station, Krishnagiri District.
Crime No. 64/2025.

Respondent(s)

CRL RC No. 2479 of 2025

PRAYER

To set aside the order dt. 14.08.2025 made in Crl.M.P.No. 1265/2025 on the file of the Judicial Magistrate No.II (FAC) Hosur to the petitioner herein.

For Petitioner(s): Mr. P.M.Jayachandran

For Respondent(s): Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)



ORDER

WEB COPY This Criminal Revision Case has been filed challenging the order dated 14.08.2025 passed in Crl.M.P.No.1265 of 2025 by the learned Judicial Magistrate No.II (FAC), Hosur, thereby dismissing the petition filed for return of vehicle, viz., Jeep Compass Car bearing Registration No.TN-14-Q-5340.

2. The case of the prosecution is that, based on the secret information, the respondent police have intercepted the petitioner's vehicle and found that he was in possession of 500 kgs. of banned tobacco products. Hence, a case has been registered in Crime No.64 of 2025 for the offences under Sections 123 of B.N.S., 7, 20(1) of Cigarette and Other Tobacco Products Act and 4(1)(c) of Tamil Nadu Prohibition (Amendment) Act. Pursuant to the registration of the FIR, the vehicle involved was seized and produced before the Judicial Magistrate No.II (FAC), Hosur.

3. The learned counsel appearing for the petitioner would submit that he is the owner of vehicle and he has been falsely implicated in this case as if he involved in illegal transportation of banned tobacco products. He also submitted that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court for the release of the vehicle.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is an accused in this case and the vehicle in question was involved in an offence under Cigarette and other Tobacco Products Act. Hence, he objected for return of the vehicle.



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

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6. Even according to the case of the prosecution, the petitioner is an accused in Crime No.64 of 2025 and the vehicle in question was involved in an offence under Cigarette and other Tobacco Products Act. 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.

7. Considering the facts and circumstances of the case, this Court is inclined to order return of the vehicle to the petitioner and accordingly, the order dated 14.08.2025 passed in Crl.M.P.No.1265 of 2025 on the file of the Judicial Magistrate No.II (FAC), Hosur, is hereby set aside. The learned Judicial Magistrate No.II (FAC), Hosur, is directed to return the Jeep Compass Car bearing Registration No.TN-14-Q-5340 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as non-refundable deposit to the satisfaction of the concerned Magistrate to the credit of Crime No.64 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.

8. Accordingly, the Criminal Revision Case stands allowed.

21-11-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

1.Judicial Magistrate No.II (FAC), Hosur.

2. The Inspector of Police,
Uddanapalli Police Station, Krishnagiri District.

3.The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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