



CrI.R.C.No.2400 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.R.C.No.2400 of 2024

G.Illayaraja

... Petitioner/owner of the vehicle

Vs.

The State

Rep. by the Inspector of Police,
PEW Kottakuppam Police Station,
Villupuram District.

(Crime No.1273 of 2024).

... Respondent/complainant

PRAYER: Criminal Revision Petition filed under Section 438 and 442 of BNSS, to call for the entire records pertaining to the order passed by the learned District Munsif cum Judicial Magistrate, Vanur, Villupuram District, in Cr.M.P.No.5131/2024 dated 08.10.2024 and set aside the same and consequently direct the return of Innova Crysta Car bearing registration No.TN 18 BM 0007 seized on 04.09.2024 in Cr.No.1273/2024 pending investigation on the file of the respondent/police.

For Petitioner : Mr.S.Lakshmikanth

For Respondent : Mr.S.Udaya Kumar



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Government Advocate (Crl.Side)



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ORDER

The Criminal Revision challenges the dismissal of the petitioner's application filed under Sections 503 and 497 of BNSS for return of his vehicle viz., Innova Crysta Car bearing Regn.No.TN-18-BM-0007.

2. An FIR was registered on 04.09.2024 in Cr.No.1273 of 2024 for the offence under Sections 4(1)(aa) and 4(1)(h) of Tamil Nadu Prohibition Act, and under Sections 4(1)(B), 4(1)(A) and 14(A) of Tamil Nadu Prohibition (Amendment) Act, 2024 on the allegation that the petitioner and two others were found in possession of Pondicherry liquor illegally in the car.

3. During the course of the aforesaid investigation, the car of the petitioner viz., Innova Crysta Car bearing Regn.No.TN-18-BM-0007 was seized on 04.09.2024. The petitioner sought for return of the vehicle and the same was dismissed by the learned Magistrate on the ground that the vehicle is liable for confiscation and confiscation proceedings have already been initiated.



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4. The learned counsel for the petitioner would submit that the vehicle is kept idle in the police station in an open place ever since the date of seizure, thereby the value of the vehicle is diminishing and if the vehicle is not returned, it would be reduced to a scrap; that confiscation proceedings has not been initiated so far; that the petitioner being the owner of the vehicle is entitled for interim custody; and that the petitioner is ready to comply with any condition that this Court may impose and prayed for return of the vehicle.

5. The learned Government Advocate (Crl.Side) appearing for the respondent on instructions would submit that the seizure was made during the course of the investigation; that the respondent had not initiated any confiscation proceedings; and that there are no previous cases against the petitioner.

6. In the light of the above submissions, this Court is of the view that



the vehicle cannot be kept idle in an open space and its value cannot be allowed to be diminished as held by the Hon'ble Supreme Court. The petitioner is the owner of the vehicle and therefore, he is the proper person entitled to the custody of the vehicle.

7. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 04.09.2024 passed by the learned District Munsif-cum-Judicial Magistrate, Vanur, Villupuram District in Crl.M.P.No.5131 of 2024 in Crime No.1273 of 2024 is set aside. In view of the same, the respondent is directed to return the vehicle viz., Innova Crysta Car bearing Regn.No.TN-18-BM-0007 to the petitioner on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with two sureties for a likesum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Vanur, Villupuram District;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his



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ownership. The learned District Munsif-cum-Judicial Magistrate, Vanur, Villupuram District, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

(iii) The petitioner shall not alter or alienate the vehicle in any manner;

(iv) The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the Court below.

(v) The return of property would be subject to the result of the confiscation proceedings, if any.

22.01.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

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Note: Issue Order copy by 23.01.2025.

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1.The District Munsif-cum-Judicial Magistrate,
Vanur, Villupuram District.

2.The Inspector of Police,
PEW Kottakuppam Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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