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CRL RC No. 1884 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1884 of 2025

SUBRAMANI

S/o.Govindasamy, 34, ankalamman
Kovil Street, Edapady, Salem -- 637
101

Petitioner(s)

Vs

The State Rep By Its,
The Inspector of Police,
Shevapet Police Station, Salem City
Cr.No.286 of 2025

Respondent(s)

PRAYER

To set aside the order dated 18.08.2025 in Crl.M.P.No.1716 of 2025 Online CMP NO.1486 OF 2025 on the file of the Judicial Magistrate No.III, Salem and consequently direct the respondent to hand over the interim custody of Petitioners Fourt Wheeler Maruthi Suzuki EECO bearing Reg No.TN 52 AB 2093 to him and pass any other or further order as this Honble Court.

For Petitioner(s): Mr. L.Ramanathan

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

**ORDER**

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This Criminal Revision Case has been filed challenging the order passed in Crl.M.P.No.1716 of 2025 online C.M.P.No.1486 of 2025 in Crime No.286 of 2025 dated 18.08.2025 on the file of Judicial Magistrate No.3, Salem, thereby dismissing the petition filed for return of vehicle namely Four Wheeler (Maruthi Suzuki EECO) bearing Registration No.TN-52 AB 2093.

2. The case of the prosecution is that, on 18.06.2025, based on the secret information, the respondent police proceeded to Little Flower School in Nallroad, where two persons standing near the petitioner's car, however, when they saw them, they tried to escape through the car. Thereafter, the police stopped the car and caught them. On search, they found that two accused persons were found in possession of the banned tobacco products such as Hans and Coolip. Hence, a case has been registered in Crime No.223 of 2025 for the offences under Sections 112(2) of B.N.S Act 2023 r/w Sec. 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Sec.6 and 24(1) of Cigarette and other Tobacco Products Act, 2003, as against the two accused persons.



Pursuant to the registration of the FIR, the vehicle involved was seized and produced before the Judicial Magistrate No.3, Salem.

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3. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of vehicle and prayed for return of vehicle stating that he was not aware of illegal transportation of banned tobacco products. But, the trial court dismissed the petition stating that vehicle was seized by the respondent police in connection with Gutka products said to be involved in commission of offence. 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 Additional Public Prosecutor would submit that the petitioner is owner of the vehicle and the vehicle in question was involved in an offence under COTPA Act. Hence, he objected to 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 owner of vehicle and the vehicle in question was involved in an offence under COTPA 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. Admittedly, he is owner of vehicle and not an accused. Considering that and also 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 18.08.2025 passed in CrI.M.P.No.1716 of 2025 on the file of the Judicial Magistrate No.3, Salem, is hereby set aside. The learned Judicial Magistrate No.3, Salem, is directed to return the Four Wheeler (Maruthi Suzuki EECO) bearing Registration No.TN-52-AB-2093 to the petitioner,



forthwith on the following conditions:-

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(i) the petitioner is directed to execute a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) to the satisfaction of the concerned Magistrate to the credit of Crime No.286 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.



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1. The State Rep By Its,
The Inspector of Police, Shevapet
Police Station, Salem City Cr.No.286 of
2025



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T.V.THAMILSELVI J.

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