



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2197 of 2025

CHITRADEVI

W/o.Jagan,

No. 62/28, Periyar Street, Omakulam,
chidambaram Taluk, Cuddalore District.

Petitioner(s)

Vs

The State Rep By
Station House Officer,
Cuddalore PEW Police Station,
Cuddalore District.
Crime No. 535/2025.

Respondent(s)

PRAYER

To call for the records of the Judicial Magistrate No. III, Cuddalore and set aside the order passed by the Learned Magistrate made in CrI.M.P.No. 10844/2025 and order to return of the vehicle in model TVS ZEPTO Scooter bearing Registration number TN-91-Q0661 concerned in Crime No. 535/2025 on the file of Respondent Police Station to the custody of the petitioner herein.



For Petitioner(s): Mr. M. Ragul Kousik

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

ORDER

This Criminal Revision Case has been filed challenging the order dated 25.08.2025 passed in Crl.M.P.No.10844 of 2025 by the learned Judicial Magistrate No.III, Cuddalore, thereby dismissing the petition filed for return of vehicle in Model TVS Zepto Scooter bearing Registration No.TN-91-Q0661.

2. The case of the prosecution is that, on 22.07.2025, the petitioner's husband said to have illegally transported 66 bottles of liquor, 180 ml each from Pondicherry to Cuddalore using the vehicle. Hence, a case has been registered in Crime No.535 of 2025 for the offences under Sections 4(1)(C), 4(1)(A), 14(A) of TN Prohibition (Amendment) Act, 2024. Pursuant to the registration of the FIR, the vehicle involved was seized and produced before the Judicial Magistrate No.III, Cuddalore.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of two wheeler and it was not involved in any offence as alleged by respondent police, but the police had contested the case that the two wheeler stands in her name. Hence, she approached the trial court for return of



vehicle and filed a petition, but the trial court dismissed the petition holding that the vehicle was involved in the offence of illegal transportation of liquor from Pondicherry to Cuddalore. 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 the owner of vehicle and the vehicle in question was involved in an offence under illegal transportation of liquor. Hence, he objected to return of the vehicle.

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

6. Even according to the case of the prosecution, the petitioner is the owner of vehicle and her husband was arrayed as accused in Crime No.535 of 2025 and the vehicle in question was involved in an offence under the Tamil Nadu Prohibition (Amendment) Act. Admittedly, the petitioner is the owner of vehicle and not an accused, her husband was arrayed as accused, but the trial court dismissed the petition as if the vehicle stands in her name has been used for illegal transportation of liquor as such is erroneous one. 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 25.08.2025 passed in Crl.M.P.No.10844 of 2025 on the file of the Judicial Magistrate No.III, Cuddalore, is hereby set aside. The learned Judicial Magistrate No.III, Cuddalore, is directed to return the TVS ZEPTO Scooter / two wheeler bearing Registration No.TN-91-Q0661 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.535 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.



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(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.

31-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Judicial Magistrate No.III, Cuddalore.

2. Station House Officer, Cuddalore PEW Police Station,
Cuddalore District.

3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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