



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2274 of 2025

J.Rajesh Kumar
S/o.Jayaraman,
No.30, MC Raja Road, NCTPS Post,
Vallur, Minjur, Ponneri Taluk.

Petitioner(s)

Vs

1. State by,
The Inspector of Police,
Gummidipoondi Police Station,
Thiruvallur District.
Crime No.96 of 2025

2.The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Tiruvallur District.

Respondent(s)

PRAYER: This Criminal Revision Case has been filed under Section 438 read with 442 of BNSS, to set aside the order passed in Crl.A.No.128 of 2025 dated 16.09.2025 on the file of the IV Additional District Judge, Tiruvallur at Ponneri in Crl.M.P.No.302 of 2025 on the file of District Munsif cum Judicial Magistrate, Gummidipoondi and direct the respondent police to return the petitioner swift Dezire Petrol Car Bearing Registration No. TN 18 BU 5125.

For Petitioner(s): Mr.S.Silambuselvan

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

**ORDER**

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This Criminal Revision case has been filed, challenging the order dated 16.09.2025 passed in Crl.A.No.128 of 2025, on the file of the IV Additional District Judge, Tiruvallur, Ponneri, thereby, dismissing the petition filed by the petitioner for return of four wheeler viz., Maruthi Shift Dezire Petrol Car Bearing Registration No. TN 18 BU 5125, which was seized by the respondent police.

2. The learned counsel for the petitioner submitted that, the vehicle belonging to the petitioner was seized by the respondent police on 07.05.2025 for the alleged offence under Section 4(1)(a)(A) of TNP Act, alleging that the petitioner had illegal possession of 19 bottles of brandy each contains 180 ml. Some of them were opened and when smelled it was foul smelled suspected to be some illicit contra band of some nature. Thereafter, the petitioner has filed petition for return of four wheeler under Section 497 of BNSS, 2023, which was dismissed by the Trial Court vide order dated 16.09.2025. Aggrieved by the same, the petitioner has filed the present petition, seeking return of property viz., four wheeler viz., Maruthi Shift Dezire Petrol Car Bearing Registration No. TN 18 BU 5125.



3. The learned counsel for the petitioner submitted that admittedly, the petitioner is the owner of the aforesaid property and on the allegation that the vehicle was involved in trafficking contraband, the vehicle has been seized and kept in open space. The petitioner, being the owner of the vehicle, is in no way connected with the said trafficking. Since the petitioner's vehicle has been seized and is being kept in open place, the vehicle is prone to corrosion and deterioration by being in open atmosphere, thereby, the value of the vehicle would diminish over a period of time. Further, for the purpose of his livelihood, the petitioner requires his vehicle as otherwise, he would be put to hardship and irreparable loss. It is also submitted that, the final order under Section 14(4) of the Act was passed by the 2nd respondent, serving the confiscation order to the petitioner, without considering the submission made by the petitioner. Hence, he prays for appropriate orders from this Court.

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

5. A perusal of the records reveals that the contraband and vehicle were seized from the petitioner and the same were produced before the Trial Court. The vehicle owned by the petitioner has nothing to do with the alleged offence. Therefore, production of the said vehicle as a material object is not essential for



the purpose of trial in this case.

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6. In view of the above discussions, this Court is inclined to order the return of the vehicle to the petitioner. Accordingly, the order dated 16.09.2025 passed in Crl.A.No.128 of 2025 on the file of the IV Additional District Judge, Tiruvallur, Ponneri, is hereby set aside. The learned IV Additional District Judge, Tiruvallur, Ponneri, is directed to return the petitioner's property viz., Maruthi Shift Dezire Petrol Car Bearing Registration No. TN 18 BU 5125 forthwith subject to the following conditions:-

(i) the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty thousand only), **as non-refundable deposit to the credit of Advocates Clerks Association, Thiruvallur**, and on such deposit, the vehicle is ordered to be released

(ii) 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.96 of 2025 pending on the file of the respondent police.

(iii) the petitioner shall deposit the original invoice or bill of the four wheeler with the concerned Magistrate.

(iv) the seized items 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.

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(v) the petitioner shall not alienate and shall not make any alteration in the vehicle.

(vi) the petitioner shall produce the four wheeler before the Court and before the respondent police as and when required;

(vii) If any of the conditions are violated, this order automatically stands cancelled.

7. Accordingly, the Criminal Revision Case stands allowed.

06-11-2025

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1.State by the Inspector of Police
Gummidipoondi Police station,
Thiruvallur District
Cr.No.96 of 2025

2.The Additional Superintendent of
Police
Prohibition Enforcement Wing,
Tiruvallur District



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T.V.THAMILSELVI J.

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