



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.R.C.No.2302 of 2025

K.Suresh Kumar

...Petitioner

Versus

The State Rep. By
The Inspector of Police,
G-3, Kilpauk PS, Kilpauk, Chennai – 10,
Chennai.
(Crime No.257/2025)

...Respondent

This Criminal Revision Case is filed under Sections 397 r/w. 401 of Cr.P.C r/w. Section 438 of BNSS, 2023 praying to call for the record and set aside the order dated 23.10.2025 passed in Crl.M.P.No.14373 of 2025 on the file of the learned II Metropolitan Magistrate, Egmore District and allow this revision.

For Petitioner : Mr.S.Hemanth

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



ORDER

WEB COPY

This Criminal Revision Case has been filed by the petitioner seeking to set aside the order dated 23.10.2025 in CrI.M.P.No.14373 of 2025 passed by the learned II Metropolitan Magistrate, Egmore District.

2. The brief facts of the case are as follows:

The petitioner is the owner of the vehicle viz., Hyundai Verna Car bearing Registration No.TN 09 BK 2963. The said vehicle was seized by the respondent Police in connection with the case registered in Crime No.257 of 2025. The petitioner is not an accused in the said case. Therefore, petitioner had filed a petition in CrI.M.P.No.14373 of 2025 before the Court of II Metropolitan Magistrate, Egmore, Chennai, seeking to return the seized vehicle to him. However, the learned II Metropolitan Magistrate, Egmore, Chennai vide Order dated 23.10.2025, dismissed the said petition for the reason that since the petitioner's vehicle was seized under the provisions of NDPS Act, the same cannot be returned to the petitioner upon interim custody. Aggrieved by the said order, petitioner has filed the present Criminal Revision Case.



WEB COPY

3. The learned counsel for petitioner submitted that petitioner's vehicle was seized by the respondent Police during the course of investigation of the case in Crime No. 257 of 2025. The petitioner is an innocent and he is no way connected to the case in Crime No.257 of 2025. Now, the petitioner's vehicle is in the custody of respondent Police. He further submitted that from the date of seizure, petitioner's vehicle has been kept in sunlight and rain. If the seized vehicle is kept idle by exposing it to rain and shine, its value would be certainly deteriorated. Therefore, the learned counsel prayed that appropriate direction may be issued to the respondent Police to return the seized vehicle to petitioner.

4. On the other hand, the learned Government Advocate (Crl.Side) appearing on behalf of respondent Police submitted that on 06.10.2025, the respondent Police received a secret information that in Hotel Abu Palace situated at E.V.R. Salai, Kilpauk, some persons are celebrating party by using the narcotic drug viz., Ganja. Based on the said information, the respondent Police went to Hotel Abu Palace and conducted a search.



During the search, the respondent Police recovered 4 ½ kg of Ganja from one Mohamed Irfan (Accused No.1), pursuant to which, said Mohamed Irfan (Accused No.1) and 18 other suspected persons were arrested. That apart, during the said search, the respondent Police seized the mobile phones and vehicles used by the accused.

4.1. It is further submitted by the learned Government Advocate (Crl.Side) appearing for respondent Police that the petitioner's son viz., Aakash Kumar was arrayed as Accused No.8 in Crime No.257 of 2025. The respondent Police had seized the petitioner's vehicle under the provisions of NDPS Act.

4.2. The learned Government Advocate (Crl.Side) appearing for respondent Police also submitted that the Madurai Bench of this Court has laid down a procedure in Judgment dated 09.07.2025 in Criminal Appeal No.192 of 2024 that the vehicle seized under the provisions of NDPS Act cannot be returned by way of filing applications under Sections 451 & 452 of Cr.P.C that is present provisions of 497 & 503 of BNSS, 2023. As per



the said procedure, the Magistrate does not have jurisdiction to hear the applications filed under Sections 451 & 452 of Cr.P.C. Therefore, the learned II Metropolitan Magistrate, Egmore, Chennai has rightly dismissed Crl.M.P.No.14373 of 2025 filed by the petitioner.

5. Heard the learned counsel for petitioner and the learned Government Advocate (Crl.Side) for respondent Police.

6. From a perusal of the materials available on record, it is seen that petitioner is an absolute owner of the vehicle viz., Hyundai Verna Car bearing Registration No.TN 09 BK 2963 which was seized by the respondent Police during the course of investigation of the case in Crime No.257 of 2025. The petitioner is no way connected to the alleged offence. It is also seen that the contraband Ganja was recovered from Mohamed Irfan (Accused No.1) and not from the petitioner's son. That apart, neither the petitioner nor his son had no knowledge or connection with the possession and use of Ganja by the accused in Crime No.257 of 2025.



WEB COPY

7. Considering the submissions made by the learned counsel for petitioner and taking note of the provision under Section 451 of Cr.P.C and Section 497(1) of BNSS, 2023 which deal with the proper custody of property involved in criminal proceedings, this Court is inclined to set aside the impugned order and to issue appropriate direction to the respondent Police to return the seized vehicle to petitioner.

8. Accordingly, order dated 23.10.2025 in CrI.M.P.No.14373 of 2025 passed by the learned II Metropolitan Magistrate, Egmore District is set aside and the respondent Police is directed to return the seized Hyundai Verna Car bearing Registration No.TN 09 BK 2963 to petitioner subject to the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the concerned learned Magistrate to the credit of Crime No.257 of 2025 pending on the file of respondent Police.

(ii) The petitioner shall deposit the original RC Book of the seized vehicle with the concerned learned Magistrate.



(iii) The concerned learned Magistrate shall not hand over the original RC Book of the vehicle to petitioner till the completion of trial.

(iv) The seized vehicle should be photographed at the cost of petitioner and a list has to be prepared and the same has to be signed by the petitioner.

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

(vi) The petitioner shall produce the vehicle before the Court and also, before the respondent Police, as and when required.

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

9. This Criminal Revision Case shall stand allowed on the above terms.

07.11.2025

mrr

Index: Yes/No

Speaking Order (or) Non-Speaking Order



WEB COPY

To

- 1.The II Metropolitan Magistrate,
Egmore District.
- 2.The Inspector of Police,
G-3, Kilpauk PS, Kilpauk, Chennai – 10,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



T.V.THAMILSELVI, J.

mrr

Crl.R.C.No.2302 of 2025

07.11.2025