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CRL RC No. 2352 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2352 of 2025

1. DHEVAGI

W/o.Murugesan No.84, Gandhi Nagar,
Samapatti Villagen Post, Krishnagiri
District

Petitioner(s)

Vs

1. State of Sub Inspector of Police
PEW Krishnagiri Police Station,
Krishnagiri District Cr.no.424 of 2025

Respondent(s)

CRL RC No. 2352 of 2025

PRAYER

To set aside the order dated 16.10.2025 passed by the District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District in Crl.M.P.No.1094/2025 in Cr.No.424/2025 and direct to release the vehicle, two wheeler TVS Jupiter bearing registration number TN 24 , BC 5135 owned by the petitioner by allowing this Criminal Revision petition

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For Petitioner(s): D.Thirumoorthy
D.Rameshkumar

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

ORDER

This petition has been filed to set aside the order dated 16.10.2025 passed



by the District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District in Crl.M.P.No.1094/2025 in Cr.No.424/2025 and direct to release the vehicle, two wheeler TVS Jupiter bearing registration number TN 24 , BC 5135 owned by the petitioner.

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

3. The petitioner is owner of the two wheeler TVS Jupiter bearing registration number TN 24 , BC 5135. Pursuant to the registration of FIR in Crime No. 424 of 2025, on the file of the respondent Police, the said two wheeler owned by the petitioner was seized by the respondent alleging that the accused illegally transported alcohol in the said two wheeler. The case has been registered for the offence punishable under Section 4(1)(C) of TN Prohibition (Amendment) Act, against one Mohan. The said two wheeler was produced before the District Munsif Cum Judicial Magistrate, Pochampalli.

4. The learned Government Advocate (Crl. side) would submit that there is no previous case pending against the petitioner.

5. Even according to the case of the prosecution, there is no previous case against the petitioner. 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.

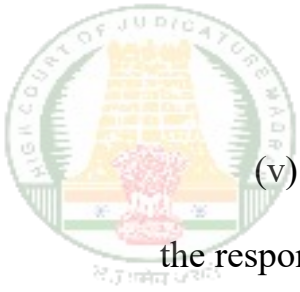
6. In view of the above discussions, this Court is inclined to return the vehicle to the petitioner and accordingly, the order passed in Crl.M.P.No. 1094 of 2025 dated 16.10.2025 by the District Munsif Cum Judicial Magistrate, Pochampalli, is hereby set aside. The learned District Munsif Cum Judicial Magistrate, Pochampalli, is directed to return the two wheeler TVS Jupiter bearing registration number TN 24 , BC 5135 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.424 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;

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

7. Accordingly, the Criminal Revision Case stands allowed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The District Munsif Cum Judicial Magistrate, Pochampalli.

2. The Section officer, V. R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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