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CRL RC No. 2382 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2382 of 2025

SANGEETHA

S/o.Murugesan

No.182, Malai Street, kannarapettia,

Karaikkadu, Cuddalore-607 005

Petitioner(s)

Vs

1. State rep by the Deputy

Superintendent of Police

Prohibition Enforcement Wing,

Cuddalore District

2.The Inspector of Police

Prohibition Enforcement Wing,

Cuddalore Cr.No.812/2025

Respondent(s)

CRL RC No. 2382 of 2025

PRAYER

To allow the Criminal Revision Petition and set aside the order dated 05.11.2025 passed in CrI.M.P.No.11554 of 2025 by the Learned Judicial Magistrate II, Cuddalore



For Petitioner(s): Mr. M.Vijayaragavan

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

ORDER

This Criminal Revision Case has been filed challenging the order dated 05.11.2025 passed in Crl.M.P.No.11554 of 2025 by the learned Judicial Magistrate-II, Cuddalore, thereby dismissing the petition filed for return of property, viz., Hyundai Motor India Ltd., bearing Regn. No.TN-41-AH-1117.

2. The case of the prosecution is that, on 25.10.2025, when the respondent police were on regular patrol duty, they intercepted the petitioner's vehicle and on search, they found that petitioner along with other accused were in possession of (1) 375 ml McDowell's brandy-24 nos. (2) 180 ml Mcdowell's brandy-48 nos. and (3) 750 ml XO brandy – 2 nos. Hence, a case has been registered in Crime No.812 of 2025 for the offences under Sections 4(1)(c), 4(1)(A) and 14 (A) of Tamil Nadu Prohibition (Amendment) Act. Pursuant to the registration of the FIR, the vehicle involved was seized and produced before the Judicial Magistrate No.II, Cuddalore.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not an accused and she is owner of vehicle. He had 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.

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4. The learned Government Advocate (Crl. Side) would submit that the petitioner is an accused in this case and the vehicle in question was involved in an offence under Tamil Nadu Prohibition Act and she has no bad antecedents. Hence, he objected to return the the vehicle.

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

6. On seeing the facts, the petitioner is not an accused and she is owner of vehicle and the vehicle in question was involved in an offence under Tamil Nadu Prohibition 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. 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 05.11.2025 passed in Crl.M.P.No.11554 of 2025 on the file of the Judicial Magistrate No.II, Cuddalore, is hereby set aside. The learned Judicial Magistrate No.II, Cuddalore, is directed to return the property viz., Hyundai Motor India Ltd. Bearing Regn.No.TN-42-AH-1117 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.812 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. Judicial Magistrate No.II, Cuddalore.

2. Deputy Superintendent of Police
Prohibition Enforcement Wing,
Cuddalore District

3. The Inspector of Police
Prohibition Enforcement Wing,
Cuddalore

4. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI J.

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