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Crl.R.C.No.2598 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2598 of 2025

Parveen Begum

...Petitioner/Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Veeranam Police Station,
Salem City.

...Respondent/Respondent

Prayer : Criminal Revision Petition filed under Section 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the records in Crl.M.P.No.1833/2025 dated : 07.10.2025 on the file of Judicial Magistrate No.IV, Salem and set aside the same subsequently grant interim custody of the two wheeler vehicle Suzuki Access 125 RC bearing Registration Number TN 30 CH 6687 to the petitioner.

For Petitioner: M.Subash

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



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ORDER

The revision challenges the impugned order passed in Crl.M.P.No.1833 of 2025 dated 07.10.2025 on the file of the learned Judicial Magistrate No. IV, Salem, to call for the records, set aside the same, and subsequently grant interim custody of the two-wheeler vehicle, i.e., Suzuki Access 125 RC bearing Registration No. TN 30 CH 6687.

2. It is the case of the petitioner that the two-wheeler, bearing Registration No. TN 30 CH 6687, was seized during the course of the investigation in Crime No. 468 of 2025, registered for the offences under Section 8(c), 20(b)(ii)(A), and 29(1) of the N.D.P.S. Act & Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2016, for illegally transporting 25 grams of ganja; that the petitioner, being the owner, is entitled to interim custody of the two-wheeler pending disposal of the case; and that the petitioner is ready to comply with any condition that this Court may impose and prayed for return of the vehicle.

3. Dr. C. E. Pratap, the learned Government Advocate (Crl. Side), *per contra*, submitted that the petitioner is involved in this case; that so far



confiscation has not been initiated for confiscating the seized property; and that stringent conditions may be imposed for the return of the vehicle, subject to the confiscation proceedings.

4. Heard the learned counsel appearing for the petitioner as well as the Government Advocate (Crl.side) and perused the records.

5. Admittedly, the petitioner is the owner of the vehicle. The vehicle was seized on 31.08.2025 and it is kept under the custody of the learned Judicial Magistrate No.IV, Salem in an open place and subjected to the vagaries of weather. The Hon'ble Supreme Court had held that in such cases, the interim custody of the vehicle can be handed over to the owner who is entitled to proper custody on conditions. Hence, this Court is of the view that the two-wheeler can be returned to the petitioner.

6. Accordingly, this **Criminal Revision Case is allowed**, and the impugned order dated 07.10.2025 passed by the learned Judicial Magistrate No.IV, Salem in Crl.M.P.No.1833 of 2025 is set aside. In view of the same, the Judicial Magistrate No.IV, Salem, is directed to return the two-wheeler vehicle Suzuki Access 12 RC bearing Regn.No.TN 30 CH 6687 to the



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petitioner on the following conditions, subject to confiscation proceedings, if any initiated by the respondent:

(i) The petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.IV, Salem;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned Judicial Magistrate No.IV, Salem, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

(iii) The petitioner shall not alter or alienate the vehicle in any manner;

(iv) The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the court below.

(v) The return of property would be subject to the result of the confiscation proceedings, if any.

01.12.2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1.The Judicial Magistrate No.IV,
Salem.

2.The Inspector of Police,
Veeranam Police Station, Salem City.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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