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CRL RC No. 2516 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2516 of 2025

KAVITHA

W/o.Sakthivel,

No.649, Ramapaiyalur, Sikkarampalayam Village,

Sathyamangalam Taluk, Erode.

..Petitioner(s)

Vs

The State Rep by,

The Inspector of Police,

Sathyamangalam Police Station,

Erode District. Cr.No.98/2025.

..Respondent(s)

To set aside the order dated 12.09.2025 passed in
Crl.M.P.No.99/2025 on the file of the Honble Judicial Magistrate,
Sathyamangalam, Erode District.

For Petitioner(s):

Mr. J.Titus Enock

For Respondent(s):

Dr.C.E.Pratap,

Govt. Advocate (Crl. Side)

ORDER



This Criminal Revision Case has been filed challenging the order dated 12.09.2025 passed in Crl.M.P.No.99 of 2025 by the learned Judicial Magistrate, Sathyamangalam, Erode Dt., thereby dismissing the petition filed for return of vehicle, viz., Yamaha Ray bearing Registration No.TN-36-AQ-1136.

2. The case of the prosecution is that, based on the secret information, the respondent police have intercepted the vehicle of petitioner's husband, who is 2nd accused in this case and found that he was involved in illegal transportation of 50 grams of ganja. Hence, a case has been registered in Crime No.98 of 2025 for the offences under Sections 20(b)(A) of NDPS Act. Pursuant to the registration of the FIR, the vehicle involved was seized and produced before the Judicial Magistrate Court, Sathyamangalam, Erode Dt.

3. The learned counsel appearing for the petitioner would submit that she is not the accused in this case and she is the owner of vehicle. Before the trial court, she filed a petition for return of vehicle and the same was dismissed by the trial court holding that her husband involved in illegal transportation of contraband. Aggrieved that, she preferred this Criminal Revision Case. He 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.

4. The learned Government Advocate (Crl. Side) would submit that the



petitioner is not an accused in this case and the vehicle in question was involved in an offence under NDPS Act. Hence, he objected for return of the vehicle.

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

6. Admittedly, the petitioner has claimed that she is owner of vehicle and as on date, T.O. form was not properly transferred in her name and she is doing coolie work by using the said vehicle. It is an admitted fact that she is not an accused in this case. 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 12.09.2025 passed in Crl.M.P.No.99 of 2025 on the file of the Judicial Magistrate, Sathyamangalam, Erode, is hereby set aside. The learned Judicial Magistrate, Sathymangalam, Erode, is directed to return the Yamaha Ray bearing Registration No.TN-36-AQ-1136 to the petitioner, forthwith on the following conditions:-



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(i) the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit to the satisfaction of the concerned Magistrate to the credit of Crime No.99 of 2025 pending on the file of the respondent police. On such deposit of amount being made, the vehicle is ordered to be returned to the petitioner

(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) the petitioner shall not make any encumbrance and the vehicle shall not be used to involve in any such similar offence in future;

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

8. Accordingly, the Criminal Revision Case stands allowed.



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To

1. Judicial Magistrate, Sathyamangalam, Erode.
2. The Inspector of Police, Sathyamangalam Police Station, Erode District.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI, J.

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