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Crl.R.C.No.2677 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2677 of 2025

Juliet Mercy

... Petitioner

Vs.

The Station House Officer,
Prohibition Enforcement Wing,
Villupuram Police Station,
Villupuram – 605 602.
(Crime No.327 of 2025)

... Respondent

Prayer: Criminal Revision Petition filed under Section 438 read with 442 of BNSS, praying to call for the records and set aside the order dated 18.11.2025 passed in Crl.M.P.No.1150 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Vikravandi.

For Petitioner : Mr.G.Mohammed Aseef

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

ORDER

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This revision has been filed challenging the dismissal of the petition filed by the petitioner for return of the vehicle which is said to be involved in Crime No.327 of 2025 on the file of the respondent.



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2. A friend of petitioner's husband was involved in a case registered in Crime No.327 of 2025 for the offence under section 4[1] [c], 14A of Tamil Nadu Prohibition [Amendment] Act, 2024. It is the case of the prosecution that the accused was found carrying illicit liquor in a two wheeler bearing registration No.TN-32-BF 0495 belonging to the petitioner and the same was seized during the course of investigation.

3. The petitioner had sought for return of the vehicle before the Judicial Magistrate which came to be dismissed by the impugned Order.

4. The learned counsel for the petitioner would submit that the petitioner is not an accused in the case; that though the confiscation proceedings has been initiated, the vehicle may be returned to the petitioner on any stringent conditions as the vehicle is subjected to vagaries of weather.

5. The learned Government Advocate [Criminal Side] appearing for the respondent would submit that confiscation proceedings have been initiated by the notice dated 05.11.2025.



6. Admittedly, the petitioner is the owner of the vehicle and the vehicle was seized on 29.10.2025 and it is kept in the police station in an open place, subject 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.

7. Considering the rival submissions, this Court is of the view that the two wheeler of the petitioner bearing registration no. TN-32-BF 0495 can be returned to the petitioner on stringent conditions.

8. Accordingly, this **Criminal Revision Case is allowed** and the impugned Order dated 18.11.2025 made in Crl.M.P.No.1150 of 2025 on the file of the District Munsif cum Judicial Magistrate, Vikravandi, is set aside. In view of the same, the trial Court is directed to return the two wheeler bearing registration no. TN-32-BF 0495 to the petitioner on the following conditions :

(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 District Munsif cum Judicial Magistrate, Vikravandi;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of



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the vehicle and other relevant records to prove his ownership. The learned District Munsif cum Judicial Magistrate, Vikravandi 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 vehicle would be subject to the result of the confiscation proceedings.

08.12.2025

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

vrc/dk

To

1. The District Munsif cum Judicial Magistrate,
Vikravandi
2. The Station House Officer,
Prohibition Enforcement Wing,
Villupuram Police Station,
Villupuram – 605 602.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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