



Crl.R.C.No.2798 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.2798 of 2025

Rajeshwari

...Petitioner

-Vs-

The State Rep. By
The Inspector of Police,
Chunambedu Police Station,
Chengalpattu District.
(Crime No.277 of 2025)

...Respondents

PRAYER: Criminal Revision Petition is filed under Sections 439 r/w 442 of BNSS, 2023, praying to call for the records and set aside the order dated 03.11.2025 passed in Crl.M.P.No.396 of 2025 on the file of learned District Munsif-cum-Judicial Magistrate, Cheyyur and to direct the respondent to return the vehicle TVS Jupiter – TN – 19 – CZ – 3080 to the petitioner in Crime No.277 of 2024 pending on the file of the respondent.

For Petitioner : Mr.D.Padmanabhan

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



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ORDER

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The revision petition challenges the dismissal of the petitioner's application in Crl.M.P.No.396 of 2025 dated 03.11.2025, seeking interim custody of the Two Wheeler bearing registration No.TN 19 CZ 3080.

2. It is the case of the prosecution that the petitioner's husband had used the vehicle belonging to the petitioner for transporting 40 bottles of 180 ML McIene Brandy; that during the course of investigation, the petitioner's vehicle was seized by the respondent police and that an FIR was registered in Crime No.277 of 2025 for the offence under Sections 4(1)(a), 4(1)(i), 4(1)(A) TNP Act r/w 4(1)(C) of TNP Amendment Act (Transporting).

3. The learned counsel for the petitioner would submit that the vehicle has been kept idle since the date of seizure (i.e.) 03.10.2025; and that the petitioner shall abide by any stringent conditions that may be imposed by this Court for return of her vehicle.

4. The learned Government Advocate (Crl.Side) per contra, would submit that confiscation proceedings have already been initiated and that confiscation notice was issued to the petitioner on 16.11.2025.



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5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

6. Admittedly, the petitioner is the owner of the vehicle and is not an accused. The vehicle is kept idle in an open place in the police station since 03.10.2025 and subjected to vagaries of the weather. In the light of the above, this Court is of the view that the petitioner would be the proper person entitled to interim custody and the vehicle can be returned to her on stringent conditions subject to the result of the confiscation proceedings.

7. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 03.11.2025 made in Crl.M.P.No.396 of 2025 on the file of the learned District Munsif-cum-Judicial Magistrate, Cheyyur, is set aside. In view of the same, the interim custody of the vehicle is directed to be returned 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, Cheyyur;



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SUNDER MOHAN, J.

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(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 District Munsif-cum-Judicial Magistrate, Cheyyur, 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.

18.12.2025

Tsg

To

- 1.The District Munsif-cum-Judicial Magistrate, Cheyyur
- 2.The Inspector of Police,
Chunambedu Police Station,
Chengalpattu District.

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