



CrL.R.C.(MD)No.583 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.583 of 2025

Jegan

... Petitioner

-VS-

The State of Tamil Nadu,
Rep. By Sub Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

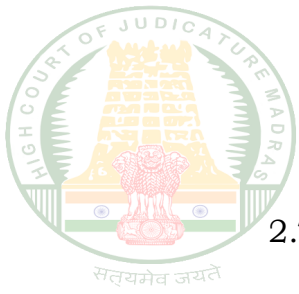
... Respondent

PRAYER : Criminal Review Case filed under Section 438 r/w. 442 of BNSS, 2023, to call for the records and set aside the order passed in CrI.M.P.No.404 of 2025 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, dated 28.03.2025.

For Petitioner : Mr.P.Sonu
For Respondent : Mr.S.S.Manoj
Government Advocate (CrI.)

ORDER

Challenging the impugned order passed by the learned Judicial Magistrate No.I, Kuzhithurai, in CrI.M.P.No.404 of 2025 dated 28.03.2025, this Criminal Revision Case is filed.



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2.The petitioner is the owner of the vehicle Yamaha MT15 bearing registration No.TN-07-CZ-7684. The vehicle was seized by the respondent police in Crime No.422 of 2024 for the alleged offence under Sections 8(c), 20(b)(ii)(B), 25 of NDPS Act. Recording the involvement of the said vehicle in the NDPS case, the application for return of the property was dismissed by the learned Judicial Magistrate.

3.When the matter was taken up for hearing, the learned Government Advocate (CrL.) appearing for the respondent categorically submitted that the question of allowing this Criminal Revision Case will not arise because the vehicle has been utilized for transporting ganja. However, he submitted that the same is not of commercial quantity.

4.The learned counsel appearing for the petitioner submitted that the petitioner is no way connected with the said offence and he is not the accused in the case and the petitioner is working in Kanchipuram and his native is Thoothukudi from where A1 who is his relative, had taken his two wheeler without his knowledge while he was away for work and had involved in the alleged offence. However, the petitioner is ignorant about the fact that A1 has utilized the same in the said alleged offence. He pleaded innocence and sought for return of his two wheeler. Relying upon the judgment of the Hon'ble Supreme Court in the case of ***Bishwajit Dey v. The State of Assam*** in Criminal Appeal No.87 of 2025 dated



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07.01.2025, he pressed for allowing the Criminal Revision Case.

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5.The learned Government Advocate (Crl.) for the respondent categorically submitted that the said case will not fit to the fact and circumstances of this case. The said case was with respect to four wheeler, which was utilized for transporting heroin, which is of commercial quantity and the same is with respect to a confiscation vehicle and pressed for dismissal of the Criminal Revision Case.

6.Heard both sides and carefully perused the materials available on record.

7.A careful perusal of the aforesaid judgment of the Hon'ble Supreme Court would throw light on the fact that any vehicle seized in a NDPS case is not liable to confiscation, if the owner of the seized vehicle could prove that the vehicle was used by the accused person without the owner's knowledge or connivance and the relevant portion of the same is extracted as follows:-

“....

21..... However, the seized vehicle is not liable to confiscation if the owner of the seized vehicle can prove that the vehicle was used by the accused person without the owner's knowledge or connivance and that he had taken all reasonable precautions against such use of the seized vehicle by the accused person..”



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8. In the line with the aforesaid judgment, this Court is inclined to allow this Criminal Revision Case and the order dated 28.03.2025 passed in CrL.M.P.No.404 of 2025 by the learned Judicial Magistrate No.I, Kuzhithurai, is hereby set aside and the vehicle/Yamaha MT15 bearing Registration No.TN-07-CZ-7684, is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

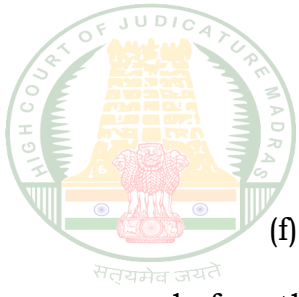
(a) the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non-refundable deposit for the said vehicle to the credit of the Aishwaryam Trust (Indian Bank, Account No: 6639017788, IFSC Code: IDIB000T032), Madurai District;

(b) the petitioner shall execute a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai;

(c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.I, Kuzhithurai;

(d) The petitioner shall give an undertaking before the respondent/authority concerned stating that he will not use the vehicle in question for any illegal activities in future, failing which the respondent/trial Court is at liberty to confiscate the vehicle;

(e) the petitioner shall not alienate and shall not make any alteration in the vehicle;



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(f) the petitioner shall produce the vehicle before the Court and
before the respondent police as and when required;

09.06.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn

To

- 1.The Judicial Magistrate, Nanguneri.
- 2.The Forest Ranger, Kalakadu, Tirunelveli District.
- 3.The Sub Inspector of Police,
Marthandam Police Station,
Kanyakumari District.



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L.VICTORIA GOWRI, J.

Mrn

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