



CRL OP(MD). No.15226 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25/09/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.15226 of 2025

Kaviprabhu

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by the Deputy Superintendent of Police,
P.E.W. Police Station,
Ramanathapuram District.

2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District,
(In Crime No. 9 of 2025)

... Respondents

PRAYER :- Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and set aside the order passed in Crl.R.P. No. 13 of 2025 dated 02.07.2025 by the Learned Principal District and Sessions Court Ramanathapuram, Ramanathapuram District and hand over the vehicle Yamaha R15 V3 Two Wheeler (Red Color) Chassis G3N4E0204172 bearing Registration No.TN 99 V 4791 to the petitioner's interim custody.



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For Petitioner : Mr.R.Balamuruganantham

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

ORDER

The petitioner seeks to set aside the order dated 02.07.2025 passed in Crl.R.P.No. 13 of 2025, by the learned Principal District and Sessions Judge, Ramanathapuram, Ramanathapuram District, confirming the order of the learned District Munsif-cum-Judicial Magistrate, Kadaladi, in Cr.M.P.No.187 of 2025 dated 14.03.2025, dismissing the petitioner's application filed under Section 451 Cr.P.C for return of the vehicle.

2.The case of the prosecution is that the petitioner's vehicle was used by the accused in Crime No.09 of 2025 for transporting illicit liquor and that accused had committed the offence under Section 4(1)(c) of the Tamil Nadu Prohibition Act and that during the course of investigation, the petitioner's vehicle was seized on 22.01.2025 and that since the vehicle was involved in the Commission of the offence under Section 4(1)(c) of the Tamil Nadu Prohibition Act, it is liable for confiscation and confiscation proceedings have already been initiated by proceedings dated 22.01.2025.



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3.The learned District Munsif-cum-Judicial Magistrate, Kadaladi and the learned Principal District and Sessions Judge, Ramanathapuram, Ramanathapuram District, dismissed the claim of the petitioner, referring to the fact that confiscation proceedings are pending.

4.The learned counsel for the petitioner would submit that the petitioner is admittedly not an accused in the alleged occurrence and that the vehicle has been lying idle in the police station since 22.01.2025 and that the value of the vehicle would be diminished and therefore, the vehicle may be returned to petitioner on such terms and conditions as this Court may impose.

5.The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that the petitioner has no previous cases and that the accused in this case has three previous cases and that this is the first time that the vehicle of the petitioner has been used for the commission of the offence.



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6. Though confiscation proceedings were initiated on 22.01.2025, it is seen that no further action has been taken so far. In the light of the submission made by the learned Additional Public Prosecutor that the petitioner is not an accused, has no bad antecedents and the vehicle has been used by the accused, who is related to him, for the first time, this Court is of the view that the vehicle can be returned to the petitioner subject to certain conditions. Accordingly, the impugned order dated 02.07.2025 is set aside. The learned District Munsif-cum-Judicial Magistrate, Kadaladi, is directed to grant interim custody of the said vehicle to the petitioner subject to the following conditions:-

- (i) the petitioner shall execute a bond for a sum of Rs.50,000/- with two sureties, each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Kadaladi.
- (ii) The petitioner shall not alienate or encumber the vehicle till the proceedings are completed.
- (iii) The petitioner shall produce RC book of the vehicle before the learned Magistrate.
- (iv) The release of the vehicle would be subject to the result of the confiscation proceedings.



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7. With the above directions, this Criminal Original Petition is allowed.

25.09.2025

NCC: Yes/No

Internet : Yes/No

Index: Yes/No

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To

1. The Principal District and Sessions Judge,
Ramanathapuram,
Ramanathapuram District.

2. The District Munsif-cum-Judicial Magistrate,
Kadaladi.

3. The Deputy Superintendent of Police,
P.E.W. Police Station,
Ramanathapuram District.

4. The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

CP

ORDER
IN
CRL OP(MD) No.15226 of 2025

Date : 25/09/2025