



Crl.O.P.(MD)No.21843 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **01.12.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.21843 of 2025

Sakthivel

... Petitioner

Vs.

The State of Tamil Nadu,
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Crime No.227 of 2025

... Respondent

PRAYER : Petition filed under Section 528 of BNSS, 2023 to direct the Inspector of Police, Koodankulam Police Station, Tirunelveli District to produce the petitioner's vehicle Nissan Datsun Go Plus car bearing its registration No. TN 72 CY 9189 before the learned District Munsif Cum Judicial Magistrate, Radhapuram, Tirunelveli District in complying the order passed by the learned District Munsif cum Judicial Magistrate, Radhapuram, Tirunelveli District in Cr.M.P.No.387 of 2025 dated 08.05.2025 within a time stipulation as fixed by this Court.

For Petitioner : Mr.A.Kesavan

For Respondent : Mr.B.Thanga Aravindh

Government Advocate (Crl.)



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ORDER

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This petition has been filed seeking a direction to the Inspector of Police, Koodankulam Police Station, Tirunelveli District. to produce the petitioner's vehicle, namely, Nissan Datsun Go Plus car, bearing Registration No. TN 72 CY 9189, before the learned District Munsif Cum Judicial Magistrate, Radhapuram, Tirunelveli District, by complying with the order passed by the learned District Munsif cum Judicial Magistrate, Radhapuram, Tirunelveli District in Cr.M.P.No.387 of 2025 dated 08.05.2025, wherein the respondent police was directed to produce the said vehicle before the Court. However, since the said exercise has not been complied with, this petition came to be filed.

2. When the matter is taken up for hearing, the learned Government Advocate appearing for the respondent police categorically submitted that as against the said order, a revision case has been preferred by the prosecution in in Criminal Revision Petition No.26 of 2025 before the learned I Additional District and Sessions Judge, Tirunelveli and by order dated 14.11.2025, the learned I Additional District and Sessions Judge, Tirunelveli, has observed that the order of return of property is not a bar to continue the confiscation proceedings as per Section 14(4) of the Tamil Nadu Prohibition Act



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(Amendment) Act, 2024 ('TNP Act') and that if the petitioner is aggrieved by the confiscation proceedings, he can file an appeal under the provisions of the TNP Act.

3. Heard the learned counsel on either side and perused the materials placed before this Court.

4. Considering the facts and circumstances of the case and also considering submissions made, it is clear that only remedy available to the petitioner is to file an appeal in accordance with the provisions of the TNP Act. Granting such liberty to the petitioner to file an appeal against the confiscation order as per the provisions of TNP Act, this criminal original petition is disposed of. Till such time, the respondent is directed not to sell the vehicle in question, if not already sold.

01.12.2025

NCC : Yes / No
Index : Yes / No
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TO:-

1. The Inspector of Police,
Koodankulam Police Station, Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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L.VICTORIA GOWRI, J.

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Order made in
Crl.O.P.(MD)No.21843 of 2025

Dated
01.12.2025