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CRL RC No. 367 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 367 of 2026

Babu
S/o.Samraj,
No. 63-9, Mari Amman Kovil Street,
Nachipalayam Nambiyur Gobi,
Erode District- 638 458.

..Petitioner(s)

Vs

State Rep. by Sub Inspector of Police
Jolarpet Police Station,
Thirupathur District.

..Respondent(s)

PRAYER : Revision filed under Sections 438 & 442 of BNSS, 2023, to set aside the order passed in Crl.M.P.No. 3831/2025 dt. 02.12.2025 on the file of the learned Judicial Magistrate No.I, Thirupathur and to direct the court below to return the Property in Crime No. 328/2025 on the file of respondent.

For Petitioner(s): M.P.Saravanan

For Respondent(s): MR.R.VINOTHRAJA
GOVERNMENT ADVOCATE(CRIMINAL
SIDE)

ORDER

The Criminal Revision challenges the dismissal of the petitioner's application filed under Section 497 of BNSS for return of his vehicle viz., Hero Zoom Two Wheeler bearing Regn.No.TN-36-BA-8692.



2. It is the case of the prosecution that the accused were found in possession of 30 gms of ganja and the petitioner's vehicle was seized during the course of the investigation.

3. The petitioner who is not the accused in the said case, sought for return of the vehicle. The said petition came to be dismissed by the impugned order.

4. The learned counsel for the petitioner submitted that since the petitioner is not the accused and he is the owner of the vehicle, he is entitled for the interim custody of the said vehicle.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is not the accused and no confiscation proceedings has been initiated so far.

6. Considering the fact that the petitioner is the owner of the vehicle and not an accused, this Court is inclined to set aside the impugned order. Accordingly, the impugned order passed in Crl.M.P.No.3831 of 2025 dated 02.12.2025 is set aside and the interim custody of the vehicle is directed to be handed over to the petitioner on the following conditions:



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(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 Judicial Magistrate No.I, Tirupathur, Tirupathur District;

(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 Judicial Magistrate No.I, Tirupathur, Tirupathur District, 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, if any.

7. With the above observations and directions, this Criminal Revision Case is disposed of.

23-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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SUNDER MOHAN, J.

GSK

To

1.The Judicial Magistrate No.I, Thirupathur.

2.The Sub Inspector of Police
Jolarpet Police Station,
Thirupathur District.

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