



WEB COPY

CRL RC No. 455 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 455 of 2026

Vijay

..Petitioner(s)

Vs

State rep. by
The Inspector of Police,,
PEW City Police Station,
Coimbatore District.
Crime No.106 of 2025.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 438 r/w.442 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023 to set aside the order in Crl.M.P.No.563 of 2025 passed by the learned District Munsif-Cum-Judicial Magistrate Court, Madukkarai dated 07.11.2025.

For Petitioner(s): Mr.M.N.Balakrishnan

For Respondent(s): Mr.R.Kishore Kumar,
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed to quash the order in Crl.M.P.No.563 of 2025 passed by the learned District Munsif-Cum-Judicial Magistrate Court, Madukkarai dated 07.11.2025.

2. The case of the prosecution is that on 01.05.2025 when the respondent,



police were on their duty, found the petitioner who was in illegal possession of 212 liquor bottles and a sum of Rs.1,26,360/-. Hence, they seized the said amount. While so, the petitioner filed an application under Section 497 r/w. 503 of BNSS, 2023 before the learned District Munsif-cum-Judicial Magistrate Court, Madukkarai in C.M.P.No.563 of 2025, however, the learned Magistrate dismissed the said application on the ground that the petitioner has not produced any credible proof to substantiate his ownership.

3. The learned counsel for the petitioner submits that the petitioner is a college-going student and claims to be the lawful owner of the seized amount. Therefore, she prays that this criminal revision petition be allowed.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police contends that the amount recovered constitutes proceeds of crime. It is further submitted that, though the petitioner claims the same to be his hard-earned money, no material has been produced before the learned Magistrate to substantiate such claim. Hence, the impugned order passed by the learned Magistrate does not warrant any interference.

5. I have given my anxious consideration to the submissions made by the learned counsel on either side and perused the material available on record.



6. The short point to be considered is to the material to establish that the amount recovered represents the petitioner's legitimately earned money.

Admittedly, the petitioner has not produced any such proof either before the Magistrate or before this Court. Therefore, at this stage, the question of ownership cannot be conclusively determined. Consequently, the apprehension raised by the prosecution that the amount constitutes proceeds of crime cannot be outrightly rejected. In such circumstances, this Court finds no infirmity in the order passed by the learned Magistrate.

7. Accordingly, this criminal revision case is dismissed.

12-03-2026

Index: Yes/No

Neutral Citation: Yes/No

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To

1. The Inspector of Police,
PEW City Police Station,
Coimbatore District.

2. The District Munsif-Cum-Judicial Magistrate Court, Madukkarai

3. The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

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