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Crl.R.C.No.569 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

Crl.R.C.No.569 of 2026

Aswathi

..Petitioner(s)

Vs

The State Rep.by
The Inspector of Police
Velakanni Police Station
Nagapattinam District.
(Crime No.423 of 2025)

..Respondent(s)

PRAYER : Criminal Revision Petition filed under Sections 438 & 442 of BNSS, to set aside the impugned order passed by the learned District Munsif-cum-Judicial Magistrate, Kilevlur, in Crl.M.P.No.2 of 2026, dated 19.01.2026 by allowing the Revision Petition.

For Petitioner(s):

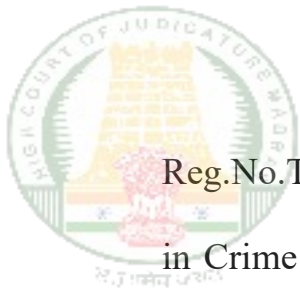
Mr.M.Mohamed Azharudeen

For Respondent(s):

Mr.R.Kishorekumar
Government Advocate (Crl.Side)

ORDER

The Revision challenges the dismissal of the petitioner's application seeking return of her vehicle viz., HERO PLEASURE +VX., bearing



Reg.No.TN-51-AV-1164, which was seized during the course of investigation in Crime No.423 of 2025 registered for the offences under Section 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024.

2. It is the case of the prosecution that the accused in the said case was illegally transporting the Tamil Nadu Government banned liquors packets in quantities of 110 liters and thus committed the offence under Section 4(1)(A) of the Tamil Nadu Prohibition (Amendment) Act, 2024.

3. It is the specific submission of the learned counsel for the petitioner that she is not an accused in this case and that she is the daughter of the accused and the owner of the property and that the accused has misused the said vehicle. The learned counsel for the petitioner would further submit that the learned Magistrate has dismissed the application on account of the pendency of confiscation proceedings under Section 451 of Cr.P.C and contends that if the vehicle is not released, the same would get damaged.

4. At this juncture, the learned Government Advocate (Crl.side) would fairly submit that the petitioner is not an accused and that she is the daughter of the accused and the owner of the property.



5. The learned Government Advocate (Crl.Side) would submit that the petitioner is the daughter of the accused. Though she is the daughter of the accused, the fact remains that she is not an accused.

6. During the course of the investigation, the petitioner's vehicle, which was used by the accused, was seized. The petitioner sought return of vehicle, which came to be dismissed by the impugned order.

7. The learned counsel for the petitioner would submit that the petitioner is not an accused; that she is the daughter of the accused and the owner of the vehicle and therefore she is entitled for interim custody of the vehicle on any stringent conditions.

8. The learned Government Advocate (Crl.Side) confirmed the fact that the petitioner is not an accused in this case and that she is the owner of the vehicle, and that confiscation proceedings have been initiated.

9. At this juncture, it is appropriate to refer to the judgment of the Hon'ble Supreme Court of India in ***Bishwajit Dey Vs. The State of Assam*** reported in **(2025) 3 SCC 241**, where the Hon'ble Supreme Court of India held that the mere risk of misuse of the vehicle by a third party, by itself, is not



sufficient to take coercive action of refusing the prayer, as the fear or suspicion is only a hypothetical situation. Apart from that, if the vehicle is not released,

there is every possibility that it will be wasted to the vagaries of the weather.

Further, its value will also reduce. Contrarily, putting the vehicle for beneficial utility and to earn livelihood and to use the vehicle for the benefit of the society at large, could be achieved by granting interim custody of the vehicle.

10. Accordingly, considering the above facts and circumstances of the case, and that the petitioner being the owner of the vehicle and not an accused, this Court is inclined to grant interim custody of the vehicle to the petitioner subject to the result of the confiscation proceedings on the following conditions:

(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 District Munsif-cum-Judicial Magistrate, Kilvelur;

(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 her ownership. The learned District Munsif-cum-Judicial Magistrate, Kilvelur, 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;



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(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.

11. Accordingly, this Criminal Revision Case stands allowed.

17.04.2026

dna

To

1.The District Munsif-cum- Judicial Magistrate, Kilvelur;

2.The State Rep.by
The Inspector of Police
Velakanni Police Station
Nagapattinam District.
(Crime No.423 of 2025)

3. The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

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