



WEB COPY

CRL RC No.588 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No.588 of 2026

R.Priya
W/o.Ramadass,
No.221, Nedun Street,
Kuthampoondi,
Vidur Dam,
Vikravandi Taluk,
Villupuram District.

...Petitioner/Petitioner

Vs

The Inspector of Police,
PE Wing Villupuram Police Station,
Cr.No.366/2025.

...Respondent/Respondent

Prayer : Criminal Revision Petition filed under Section 438 r/w 442 of BNSS to set aside the order passed by the learned District Munsif - Cum - Judicial Magistrate, Vikravandi, in CrI.M.P.No.20 of 2026 in Cr.No.366 of 2025 dated 19.01.2026 and allow the Criminal Revision Petition.

For Petitioner : Mr.N.Desinghu

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

**ORDER**

The revision challenges the dismissal of the petitioner's application seeking the return of her electric two-wheeler without a registration number, which was seized during the course of the investigation in Crime No.366 of 2025 registered for the offences under Sections 4(1)(C), 4(1)(i) r/w 4(1)(A), and 14A of the Tamil Nadu Prohibition (Amendment) Act, 2024.

2. It is the case of the prosecution that the accused in the said case was transporting Pondicherry liquor for personal gain and thus committed the offences under Sections 4(1)(C), 4(1)(i) r/w 4(1)(A), and 14A of the Tamil Nadu Prohibition (Amendment) Act, 2024.

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

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



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

6. 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.

7. 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, Vikravandi;



(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, Vikravandi, 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 she 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.

8. Accordingly, this Criminal Revision Case stands allowed.

10-03-2026

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

1. The Inspector of Police,
PE Wing Villupuram Police Station.

2. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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C.KUMARAPPAN, J.

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