



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-04-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No.795 of 2026

Konka Sekar Varun,
S/o.Konka Chandra Sekar,
No.148, Ground Floor,
Anna Main Road,
Co-operative Nagar,
Ayapakkam,
Tiruvallur.

..Petitioner/Third party

Vs

The State rep.by,
The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai.
Cr.No.257 of 2025.

..Respondent/
Complainant

Prayer: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to call for the records and set aside the order passed by the II Metropolitan Magistrate Court at Chennai in Crl.MP.No.1716 of 2026 on 24.02.2026 consequently return vehicle car sedan Volkswagen bearing registration TN 03 P 8174 POLO red color Engine No.CWX011876 AND Chassis No.WVWL14603FT049029 to petitioner.

For Petitioner:

Mr.K.Rajeshkumar

For Respondent:

Mr.R.Kishore Kumar
Government Advocate (Crl.Side)



ORDER

The Criminal Revision challenges the dismissal of the petitioner's application seeking the return of his car bearing Reg.No.TN 03 P 8174 POLO Red Colour, Engine No.CWX011876 and Chassis No.WVWL14603FT049029, which was seized during the course of the investigation in Crime No.257 of 2025 registered for the offences under Sections 8(c), 20(b)(ii)(A), 25, 29(1) of the Narcotic Drugs Psychotropic Act.

2. It is the case of the prosecution that the accused in the said case were transporting 4 ½ grams of Ganja and thus committed the offences under Sections 8(c), 20(b)(ii)(A), 25, 29(1) of the Narcotic Drugs Psychotropic Act.

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 he is the owner of the vehicle, and therefore he is entitled for interim custody of the vehicle on any stringent conditions. The learned counsel for the petitioner also submitted that in the very same crime number,



when one Mr.Akash filed an application to return the two-wheeler bearing Reg.No.TN04 BB 7458, this Court has considered the application and directed to return the same, subject to the result of the confiscation proceedings, in Crl.R.C.No.351 of 2026 dated 16.02.2026.

5. The learned Government Advocate (Crl.Side) confirmed the fact that the petitioner is not an accused in this case; that he 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 like sum to the satisfaction of the learned II Judicial Magistrate, Chennai;

(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 II Judicial Magistrate, Chennai, 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.



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8. Accordingly, this Criminal Revision Case stands allowed.

07-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The II Judicial Magistrate,
Chennai.
2. The Inspector of Police,
G-3, Kilpauk Police Station,
Chennai.
3. The Public Prosecutor
High Court of Madras.



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C.KUMARAPPAN, J.

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