



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2026

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 993 of 2026

Raju

Petitioner(s)

Vs

The State rep by its,
The Sub Inspector of Police,
Kundadam Police Station,
(Crime No.56/2026)
U/2 12 of TNG Act

Respondent(s)

PRAYER: Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023, to call for records and to set aside the order dated 16.04.2026 passed by the LEARNED JUDICIAL MAGISTRATE, DHARAPURAM in CrI.MP.No.128/2026 and allow this petition.

For Petitioner : Mr.M.Rajasekar

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

ORDER

This Criminal Revision case has been filed, challenging the dismissal of the petitioner's application filed under Section 12 of Tamil Nadu Gaming Act, seeking interim custody of two wheeler viz., TVS XL Super, bearing Registration No. TN 78 B 2183, which was seized by the respondent police.



2. It is the case of the prosecution that the petitioner's vehicle was used for the purpose of transporting persons and/or materials involved in unlawful gaming activities. Therefore, the said vehicle was seized by the respondent police for the alleged offence under Section 12 of the Tamil Nadu Gaming and Police Law (Amendment) Act, 2021. The petitioner sought return of the vehicle, however, the same was dismissed by the learned Magistrate on the ground that confiscation proceedings are pending.

3. The learned counsel for the petitioner would submit that the vehicle has been kept idle since the date of seizure from 28.02.2026; and that he shall abide by any stringent conditions that may be imposed by this Court for return of his vehicle.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for respondent and perused the materials available on record.

5. Admittedly, the petitioner is the owner of the vehicle. The vehicle is kept idle in an open place in the police station since 28.02.2026 and subjected to vagaries of the weather. In the light of the above, this Court is of the view that the petitioner would be the proper person entitled to interim custody and the



vehicle can be returned to him on stringent conditions.

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6. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 16.04.2026 made in Crl.M.P.No.128 of 2026 on the file of the learned Judicial Magistrate, Dharapuram, is set aside. In view of the same, the respondent is directed to return the vehicle to the petitioner on the following conditions -

(i) The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Dharapuram;

(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, Dharapuram, 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.

30-04-2026

Jd

Neutral Citation: Yes/No



To

1. The Learned Judicial Magistrate, Dharapuram.

2. The Public Prosecutor,
Madras High Court, Chennai.



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G.K.ILANTHIRAIYAN J.
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