



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 1298 of 2026

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Thulasi
W/o Manimaran,
No.110, ETTI Amman Kovil Street,
Mettu Colony,
Devanandham,
Tiruvallur.

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
Minjur Police Station,
Thiruvallur.

..Respondent(s)

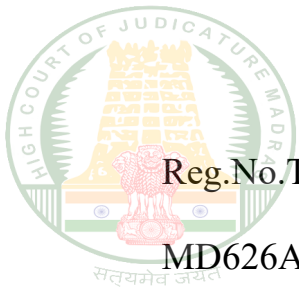
Prayer: To call for the records and to set aside the order passed in
Crl.MP.No.215 of 2026 in Crime No.191 of 2026 order dated 08.06.2026 on the
file of the Honourable Judicial Magistrate No.I, at Ponneri, Thiruvallur.

For Petitioner(s): Mr.K.Gangadaran

For Respondent(s): Mr.M.M.I.Khaleel Government Advocate
(Criminal Side)

ORDER

This Criminal Revision Case is filed to call for the records relating to the
order, dated 08.06.2026, passed in Crl.M.P.No.215 of 2026 in Crime No.191 of
2026, by the Judicial Magistrate Court No.1, Ponneri, and to set aside the same
and to release the two-wheeler, TVS NTORQ 150, colour: Matte Silver, bearing



Reg.No.TN-18-CC-1300, Engine Number: AK5AT2405857, Chassis Number: MD626AK56T2A05939, and allow this Criminal Revision Case.

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2.The facts of the case as per the Respondent are that on 24.04.2026, upon receiving reliable information regarding the illegal sale of liquor at Thotakadu Village, the Sub-Inspector of Police, Minjur, along with police personnel, proceeded to the spot. On seeing the police, the accused person attempted to flee, following which the police arrested the accused, seized the two-wheeler, TVS NTORQ 150, Colour: Matte silver, bearing Reg.No.TN-18-CC-1300, along with liquor bottles found in his possession. A case was registered in Crime No.191 of 2026 under the relevant provisions of law. Subsequently, the Revision Petitioner filed a petition seeking the release of the said vehicle before the Trial Court. By the impugned order dated 08.06.2026, the Trial Court dismissed the said petition, refusing to release the vehicle. Aggrieved by the same, this Criminal Revision Case has been filed.

3.This Court heard Mr.K.Gangadaran, learned counsel for the Revision Petitioner and Mr.M.M.I.Khaleel, learned Government Advocate (Criminal Side) for the Respondent.

4.The learned counsel for the Revision Petitioner submits that the Revision Petitioner is the absolute and registered owner of the vehicle in



question. He submits that the vehicle is in no way connected to the alleged offence, and that the petitioner's husband was falsely arrayed as Accused No.1 (A1). It is further submitted that the vehicle was not even mentioned in the initial First Information Report (FIR). The learned counsel strongly emphasizes that the vehicle was forcibly taken by the respondent police from the front yard of the petitioner's residence on 23.04.2026, whereas the prosecution falsely claims a seizure on 24.04.2026 from the crime scene. This material contradiction regarding the date and place of seizure was explicitly admitted by the Respondent Police in the counter-affidavit filed by them before the Trial Court. Thus, when the ownership is undisputed and the seizure itself is tainted with discrepancies, the impugned order of the court below refusing to return the vehicle is not sustainable.

5.The learned counsel for the Revision Petitioner further submits that from the date of seizure, the vehicle in question has been kept in the custody of the Respondent Police/Trial Court in the open yard. With the passage of time and exposure to climatic conditions, it will ultimately become junk and lose all its utility. The learned counsel has relied on the law laid down by the Hon'ble Apex Court in the case of ***Sunderbhai Ambalal Desai and C.M. Mudaliar Vs. State of Gujarat, AIR 2003 SC 638.***



6. The learned counsel for the Revision Petitioner has further drawn the attention of this Court, regarding the provisions of Sections 497 and 503 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which is quoted as under:-

"497. Order for custody and disposal of property pending trial in certain cases.-When any property is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the Court may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

Explanation.- For the purposes of this section," property" includes-

(a) property of any kind or document which is produced before the Court or which is in its custody,

(b) any property regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence.

(2) The Court or the Magistrate shall, within a period of fourteen days from the production of the property referred to in sub-section (1) before it, prepare a statement of such property containing its description in such form and manner as the State Government may, by rules, provide.

(3) The Court or the Magistrate shall cause to be taken the photograph and if necessary, videograph on mobile phone or any electronic media, of the property referred to in sub-section (1).

(4) The statement prepared under sub-section (2) and the photograph or the videography taken under sub-section (3) shall be used as evidence in any inquiry, trial or other proceeding under the Sanhita.

(5) The Court or the Magistrate shall, within a period of thirty days after the statement has been prepared under sub-section (2) and the photograph or the videography has been taken under sub-section (3), order the disposal, destruction, confiscation or delivery of the



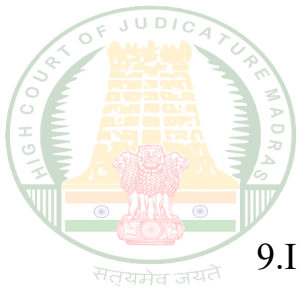
property in the manner specified hereinafter.

503. Procedure by police upon seizure of property.-(1) Whenever the seizure of property by any police officer is reported to a Magistrate under the provisions of this Code, and such property is not produced before a Criminal Court during an inquiry or trial, the Magistrate may make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or if such person cannot be ascertained, respecting the custody and production of such property.

(2) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit and if such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation."

7.The learned counsel for the Revision Petitioner further submits that the Revision Petitioner is ready to comply with all the conditions that this Court may impose while releasing the vehicle in question. Since the petitioner is the undisputed rightful owner, the vehicle should be released in her favour and the impugned order be quashed by this Honourable Court in the interest of justice.

8.Per contra, the learned Government Advocate (Criminal Side) for the Respondent submits that the vehicle in question was actively involved in the transport and illegal sale of contraband liquor. Hence, the vehicle was legally seized by the police. He submits that the Trial Court has rightly passed the impugned order taking note of the nature of the offence, and that there is no illegality or infirmity in the order requiring interference by this Court.



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9.I have considered the submissions of the learned counsel for the parties and carefully gone through the relevant legal provisions and the judgements rendered by the Hon'ble Apex Court in the case of **Sunderbhai Ambalal Desai (supra)** and the judgement passed by the High Court in various cases.

10.The Hon'ble Apex Court in the case of **Sunderbhai Ambalal Desai, AIR 2003 SC 638 (supra)** in para 17 and 21 has been pleased to held as under:-

"17. In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of application for return of such vehicles.

21. However these powers are to be exercised by the concerned Magistrate. We hope and trust that the concerned Magistrate would take immediate action for seeing that powers under Section 451 Cr.P.C. Are properly and promptly exercised and articles are not kept for a long time at the police station, in any case, for not more than fifteen days to one month. This Object can also be achieved if there is proper supervision by the Registry of the concerned High Court in seeing that the rules framed by the High Court with regard to such articles are implemented properly."

11.In **Nand Vs. State of U.P., 1996 Law Suit (All) 423, the Allahabad High Court** has observed that pendency of the confiscation proceedings under Section 72 of the U. P. Excise Act is not a bar for release of the vehicle which is required for the trial under Section 60 of the U.P. Excise Act. It has been clearly

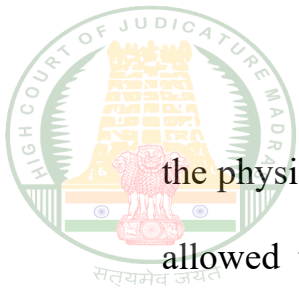


observed by that Court in para 7, which is being produced as under:-

"I think it is not proper to allow the truck to be damaged by remaining stationed at police station. Admittedly, the ownership of the truck is not disputed. The State of Uttar Pradesh does not claim its ownership. Therefore, I think it will be proper and in the larger interest of public as well as the revisionist that the revisionist gives a Bank guarantee of Rs. 2 lakhs before the C.J.M., Kanpur Dehat and files a bond that he shall be producing the truck as and when needed by the criminal courts or the District Magistrate, Kanpur Dehat, and he shall not make any changes nor any variation in the truck."

12.The Allahabad High Court further has held in the case of **Jai Prakash Vs. State of U.P., 1992 AWC 1744** that mere pendency of confiscation proceedings before the Collector is no bar to release the vehicle. In **Kamaljeet Singh Vs. State of U.P., 1986 U.P. Cri. Ruling 50 (Alld)**, the same view was taken by the Allahabad High Court that pendency of confiscation proceedings shall not operate as bar against the release of vehicle seized under Section 60 of Excise Act.

13.In the opinion of this Court, the powers under Section 497 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) have not been properly or widely exercised by the Trial Court while passing the impugned order. The power conferred under Section 497 of the BNSS must be exercised by the Trial Court with a judicious mind and without any unnecessary delay, so that litigants do not suffer. Merely keeping the vehicle in the custody of the court or police authorities in an open yard serves no useful purpose and will ultimately result in



the physical degradation and total damage of the property. The owner should be allowed to enjoy the utility of the property, especially when the registered ownership of the Revision Petitioner is not in dispute.

14. Further, this Court finds that the procedure contemplated under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) must be followed promptly to ensure the swift disposal and release of properties in favour of the entitled persons. Keeping the vehicle stationed in the open yard causes undue mental agony and financial loss to the absolute owner, which is contrary to the principles of natural justice and fair play.

15. As per the legal propositions mentioned above and keeping in view the facts that indisputably the Revision Petitioner is the registered owner of the seized two-wheeler, that no other independent person or the State has laid a conflicting claim over its ownership over the vehicle, and that long-term detention in an open space will reduce the vehicle to junk, no useful purpose will be served by keeping the vehicle stationed at the Trial Court in the open yard for a long period, allowing it to be damaged with the passage of time.

16. In view of the above facts and circumstances of the case, and in the light of the principles settled by the Honourable Supreme Court and the High Court referred to above, the impugned order is not sustainable in the eye of law



and hence, it requires interference by this court.

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17. Accordingly, the present Criminal Revision Case is **allowed**. The impugned order, dated 08.06.2026, passed in Crl.M.P.No.215 of 2026 by the Judicial Magistrate Court No.1, Ponneri, is **set aside and reversed**.

18. The Judicial Magistrate No.1, Ponneri, is directed to release the vehicle in question, namely TVS NTORQ 150 (Reg.No.TN-18-CC-1300), forthwith in favour of the Revision Petitioner, on the following conditions :

(i) The Revision Petitioner shall give a bank guarantee of Rs.20,000/- (Rupees fifty thousand only) before the said Court;

(ii) The Revision Petitioner shall file an undertaking that she will produce the vehicle in question as and when required by the concerned Court.

(iii) The Revision Petitioner shall not make any structural changes, alterations, or variation in the colour and features of the vehicle in question, nor shall she alienate or encumber the vehicle until the disposal of the main case.



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19. There is no order as to costs. Let a copy of this order be sent by the Registry of this Court to the court concerned for immediate compliance and information within one week from today.

29-06-2026

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

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To

1. The Inspector of Police, Minjur Police Station, Thiruvallur.
2. The Judicial Magistrate No.I, at Ponneri, Thiruvallur.
3. The Public Prosecutor, Madras High Court, Madras



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SHAMIM AHMED, J.

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