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Crl.R.C.No.2704 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.R.C.No.2704 of 2025

Kandasamy

....

Petitioner

Vs

State rep. by
The Inspector of Police,
Vadavalli Police Station,
Coimbatore District.
Crime No.498 of 2025

....

Respondent

PRAYER: Criminal Revision is filed under Section 438 r/w 442 of BNSS, 2023, to set aside the order in Crl.M.P.No.11013 of 2025 passed by the learned Judicial Magistrate Court – VI, Coimbatore dated 14.11.2025.

For Petitioner : Mr.M.N.Balakrishnan
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This Criminal Revision has been filed by the petitioner challenging the dismissal of his application seeking return of cash of Rs.98,050/-, seized during the course of investigation in Crime No.498 of 2025 registered for the offences under Section 5 read with 7(3) of Lotteries Regulation Act and Section 112(2) of B.N.S. 2023.



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2. The gist of the allegation against the petitioner is that the petitioner was engaged in the illegal sale of lottery tickets; that, on information, when he was intercepted by the respondent, he was found in possession of prohibited lottery tickets and cash of Rs.98,050/-.

3. The petitioner sought for return of the cash before the Trial Court. The Trial Court dismissed the said application on the ground that the petitioner has not produced any proof to show that the said amount was legitimately earned.

4. The learned counsel for the petitioner would submit that the petitioner would abide by any stringent conditions for the return of the said cash; that it would not prejudice the case of the prosecution in any manner if the cash is returned ; and that the petitioner would not dispute the fact that the cash of Rs.98,050/- was seized from his possession.

5. The learned Government Advocate (Crl.Side) would submit that it is the case of the respondent that the cash was generated from the illegal sale of lottery tickets and is, therefore, liable for attachment.



6. The respondent has not filed the final report. It is the case of the respondent that the amount seized from the petitioner is proceeds of the crime. Admittedly, the amount seized from the petitioner is not stolen property and the seizure does not create any suspicion of the commission of an offence. Hence the provision of Section 102 Cr.P.C (106 BNSS) cannot be invoked. However, if it is the case of the respondent that the amount seized from the petitioner has to be secured and confiscated, if the petitioner is found guilty of the offence, it is always open to the respondent to seek attachment under Section 107 of B.N.S.S provided they satisfy the conditions stipulated in the said provision.

7. Considering the above facts and circumstances of the case, this Court is inclined to hand over interim custody of the cash of Rs.98,050/- seized from the petitioner on the following conditions ;

(i) The petitioner shall execute a personal bond for sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Coimbatore.

(ii) The petitioner shall file an affidavit of undertaking stating that the said cash of Rs.98,050/- shall be returned as and when it is directed to be returned by the Judicial Magistrate No.VI, Coimbatore.



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8. Accordingly, this Criminal Revision Case stands allowed.

19.01.2026

Internet:Yes

Neutral Citation:Yes/No

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To

1.The Judicial Magistrate No.VI,
Coimbatore.

2.The Inspector of Police,
Vadavalli Police Station,
Coimbatore District.

3.The Public Prosecutor,
High Court, Madras



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SUNDER MOHAN, J.

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