



WEB COPY



Crl.R.C.No.2898 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.2898 of 2025

Arumugam

...Petitioner

-Vs-

State Rep. By
Sub Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.
(Crime No.756 of 2024)

...Respondent

PRAYER: Criminal Revision Petition is filed under Sections 438 and 442 of BNSS Act, praying to call for the records on the file of the learned Judicial Magistrate No.II, Tirupattur, Tirupattur District, in Crl.M.P.No.1530 of 2025 dated 07.07.2025 and set aside the order.

For petitioner : Mr.E.Kannadasan

For Respondent : Mr.R.Vinoth Raja,
Government Advocate (Crl.Side)

ORDER

The revision challenges the dismissal of the petitioner's application seeking return of his vehicle bearing Registration No. TN 42 M 9659, which



Crl.R.C.No.2898 of 2025

was seized during the course of investigation. An FIR was registered in Crime No.756 of 2024 for the offences under Sections 281 and 125(a) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. The allegation against the petitioner is that he caused injuries to the victim due to rash and negligent driving, thereby committing the aforesaid offences. During the course of investigation, the petitioner's vehicle was seized on 07.12.2024.

3. The petitioner sought return of the said vehicle before the learned Magistrate. However, the said application came to be dismissed by the impugned order dated 07.07.2025 made in Crl.M.P.No.1530 of 2025 in Crime No.756 of 2024, on the ground that the vehicle was stated to be connected with another case in Crime No.202 of 2025.

4. The learned counsel for the petitioner would submit that the petitioner is not involved in any other offence and that the vehicle was seized only in connection with Crime No.756 of 2024 on 07.12.2024. It is further submitted that Crime No.202 of 2025 was registered only on 22.05.2025, and therefore, the petitioner's vehicle could not have been involved in the said



Crl.R.C.No.2898 of 2025

case. It is contended that the vehicle, being the subject matter of the present case, may be returned to the petitioner, as it is presently kept idle in the police station and is exposed to the vagaries of weather.

5. Per contra, the learned Government Advocate (Crl. Side) submitted that the vehicle was seized on 07.12.2024 and that the accused in Crime No.202 of 2025, registered on 22.05.2025, had confessed that he had purchased the said vehicle using the proceeds of the said crime, which was registered for the offences under Sections 4(1)(a) and 4(1-A)(ii) of the Tamil Nadu Prohibition (Amendment) Act, 2024, and Section 123 of the Bharatiya Nyaya Sanhita, 2023. It was further submitted that the RC book of the vehicle stands in the name of Ms.K.Thulasi, and that the ownership has not yet been transferred in the name of the petitioner.

6. Admittedly, the petitioner's vehicle was seized on 07.12.2024 and has been kept in the open premises of the police station ever since. Keeping the vehicle idle for a prolonged period would only result in deterioration due to exposure to the vagaries of weather. The reason assigned by the learned Magistrate for rejecting the application cannot be sustained. If it is the case of the respondent that the vehicle was purchased using the proceeds of another



Crl.R.C.No.2898 of 2025

crime, it is open to the respondent to initiate appropriate proceedings in accordance under Section 107 of the Bharatiya Nagarik Suraksha Sanhita (BNSS).

7. Considering the fact that the vehicle has been lying idle in the police station since 07.12.2024, and having regard to the settled legal position that valuable properties should not be allowed to deteriorate, this Court is of the view that the petitioner is entitled to interim custody of the vehicle, subject to stringent conditions and subject to the outcome of any confiscation proceedings.

8. Accordingly, this Criminal Revision Case is allowed, and the impugned order dated 07.07.2025 made in Crl.M.P.No.1530 of 2025 in Crime No.756 of 2024 on the file of the learned Judicial Magistrate No.II, Tirupattur, Tirupattur District, is set aside. The respondent police are directed to return the vehicle bearing Registration No.TN 42 M 9659 to the petitioner, subject to 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 Judicial Magistrate No.II, Tirupattur, Tirupattur District;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of



Crl.R.C.No.2898 of 2025

WEB COPY

the vehicle and other relevant records to prove his ownership. The learned Judicial Magistrate No.II, Tirupattur, Tirupattur District, 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.

27.01.2026

cda

To

1.The Judicial Magistrate No.II, Tirupattur, Tirupattur District.

2.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.R.C.No.2898 of 2025

SUNDER MOHAN, J.

cda

Crl.R.C.No.2898 of 2025

27.01.2026