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Crl.R.C.No.2894 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.2894 of 2025
and
Crl.M.P.No.24908 of 2025

R.Ramachandran

...Petitioner

-Vs-

The Assistant Sub Inspector of Police,
Railway Protection Force,
Egmore, Chennai.
(Crime No.2336 of 2025)

...Respondent

PRAYER: Criminal Revision Petition is filed under Sections 438 and 442 of BNSS Act, praying to set aside the order in E.R.C.No.1615 of 2025 dated 17.10.2025 passed by the learned Special Metropolitan Magistrate for Railways, Egmore, Chennai.

For petitioner : Mr.B.Sundarapandiyan

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



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ORDER

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The revision challenges the dismissal of the petitioner's application seeking return of the property seized during the course of investigation in Crime No.2336 of 2025.

2. The allegation against the petitioner is that he had transported the goods in question, namely cigarettes, by declaring the same as “beedies” and that there was misbranding, for which he was liable for the aforesaid offence. The petitioner pleaded guilty to the said charge and was sentenced to pay a fine of Rs.4,500/-, which was paid. Thereafter, he sought return of the goods, claiming ownership thereof.

3. The learned Magistrate dismissed the said petition on the ground that the goods seized are tobacco products and therefore dangerous to human life and, by exercising powers under Section 452 of the Code of Criminal Procedure, ordered destruction of the contraband.

4. The learned counsel for the petitioner would submit that the petitioner is the owner of the goods and that, for the offence committed by him, he was found guilty and had paid the fine imposed. Therefore, he is entitled to custody of the seized goods.



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5. The learned Government Advocate (Crl. Side), per contra, submitted that the Trial Court has directed the goods to be destroyed and that, since the petitioner pleaded guilty to the offence, the impugned order is justified. He further submitted that the products have an expiry date and that, if returned, the petitioner is likely to misuse the same.

6. This Court is of the view that the reason cited by the learned Magistrate for destruction of the goods is that the tobacco products are dangerous to human life. It is not the case of the respondent that the petitioner ought not to have transported cigarettes. The allegation is only one of misbranding of the goods. It is also not the case of the respondent that any loss was caused to the Railways.

7. Therefore, this Court is of the view that the petitioner is entitled to return of the goods seized from him. However, the respondent shall verify whether the products have any expiry date and, if any of the goods are found to be beyond the expiry date, such goods shall not be returned to the petitioner. Subject to the above condition, the learned Magistrate is directed to return the goods to the petitioner.



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SUNDER MOHAN, J.

8. With the above direction, this criminal revision case stands disposed of. Consequently, connected miscellaneous petition is closed.

27.01.2026

cda

To

- 1.The Special Metropolitan Magistrate for Railways, Egmore, Chennai.
- 2.The Assistant Sub Inspector of Police,
Railway Protection Force,
Egmore, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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