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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2887 of 2025

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Petitioner(s)

Vs

The State of Tamil Nadu
Rep.by the SHO,
Mandharakuppam Police Station,
Crime No.167 of 2025.

Respondent(s)

PRAYER: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS,to call for the records in C.M.P.No.3632 of 2025 on the file of the District Munsif cum Judicial Magistrate, Neyveli dated 02.12.2025 and set aside the same.

For Petitioner(s): Mr.R.Venkatesan

For Respondent(s): Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner challenges the dismissal of the petition filed under Sections 497 and 503 BNSS seeking return of the petitioner's vehicle bearing registration No.TN-61M-4748, seized in connection with Crime No.167/2025, registered for the offences under Sections 20(b)(ii)(A) and 25 of the NDPS Act and Section (1)(a) of the Arms Act.



2.The petitioner who is not an accused had sought return of his vehicle and the same was dismissed by the learned District Munsif-cum-Judicial Magistrate, Neyveli, by the impugned order.

3.The learned counsel for the petitioner would submit that there are totally 11 accused and that 44 grams of Ganja was seized in all from all the 11 accused; that A5 who had borrowed the vehicle from the petitioner was found in possession of 4 gms of Ganja and since the petitioner is not an accused, he is entitled to the interim custody of the vehicle and the same may be returned to him as the vehicle is subjected to vagaries of weather.

4.The learned Public Prosecutor per contra submitted that the petitioner is not an accused and since the vehicle was involved in the commission of the offence by one of the accused, the learned Magistrate was justified in dismissing the petition.

5.Admittedly, the petitioner is not an accused. The alleged quantity seized from the accused in this case is 44 grams of Ganja. The vehicle is subjected to the vagaries of weather ever since it was seized on 25.09.2025. Considering the above facts, this Court is inclined to set aside the impugned order and permit the interim custody of the vehicle to the petitioner.



6. Accordingly, this Criminal Revision Case stands allowed and the impugned order dated 02.12.2025, passed in Crl.M.P.No. 3632 of 2025, on the file of the learned District Munsif-cum-Judicial Magistrate, Neyveli, 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.50,000/- (Rupees Fifty Thousand Only) with two sureties for a likesum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Neyveli;

(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 District Munsif- cum-Judicial Magistrate, Neyveli, 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.

05-01-2026

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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SUNDER MOHAN, J.

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To

1.The District Munsif cum Judicial Magistrate,
Neyveli.

2.The SHO,
Mandharakuppam Police Station,
Crime No.167 of 2025.

CRL RC No. 2887 of 2025

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