

CRL RC(MD). No.864 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03/06/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL RC(MD). No.864 of 2026

Vargheese

... Petitioner

Vs

The State of Tamilnadu Rep
By the Sub Inspector of Police,
Devarkulam, Police Station,
Tirunelveli.
(Crime No.199 of 2025).

... Respondent

PRAYER :-

This Criminal Revision Case is filed to call for the records pertaining to the order dated 05.08.2025 in Crl.M.P. No. 2834 of 2025 on the file of the Principal Special Court for NDPS Act Cases / Learned Judicial Magistrate No.III, Tirunelveli and set aside the same.

For Petitioner : Mr.V. Malaiyendran,
Advocate.

For Respondent : Mr.D.Rajaboopathy
Counsel for State of TN (Crl.Side)



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ORDER

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This Criminal Revision Case is filed to call for the records pertaining to the order dated 05.08.2025 in CrI.M.P. No. 2834 of 2025 on the file of the Principal Special Court for NDPS Act Cases / Learned Judicial Magistrate No.III, Tirunelveli and set aside the same.

2. The case of the prosecution is that the respondent filed an FIR in Crime No.199 of 2025 for an alleged offence under Sections 4(1)(C), 4(1)(A)TNP Act and 8(C), 20(b)(ii)(A) NDPS Act and Section 77 of JJ Act, for illegal transport of 82 grams of Ganja by a vehicle Yamaha UT-15 bearing registration No.TN 79 P 2551. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed CrI.M.P.No.2834 of 2025 for the return of vehicle before the learned Judicial Magistrate No.III, Tirunelveli, and the same was dismissed on 05.08.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 05.08.2025 made in CrI.M.P.No.2834 of 2025 on the file of the learned Judicial Magistrate No.III, Tirunelveli, and to set aside the same.



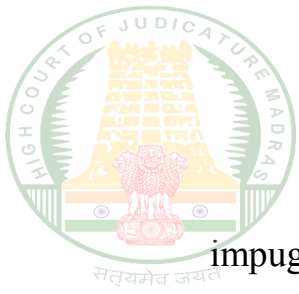
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4. Heard the learned counsels on either side and carefully perused the materials available on record.

5. The learned Government Advocate (Criminal side) appearing for the respondent submitted that if the vehicle is returned to the petitioner, there is possibility for the vehicle being used for the commission of similar offence and objected to grant interim custody of the vehicle to the petitioner.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No. TN 79 P 2551 is owned by the petitioner and he was not involved in any such offence as alleged by the respondent and if the vehicle is kept in open place, the vehicle will get deteriorated and the value of the vehicle would automatically stand diminished and therefore interim custody of the vehicle may be granted to the petitioner.

7. Considering the fact that if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and that no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision thereby, setting aside the



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impugned order dated 05.08.2025 passed in Crl.M.P.No.2834 of 2025 by the learned Judicial Magistrate No.III, Tirunelveli.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 05.08.2025, passed in Crl.M.P.No.2834 of 2025 by the learned Judicial Magistrate No.III, Tirunelveli, is hereby set aside and the vehicle viz., Yamaha UT-15 bearing Registration No.TN 79 P 2551, is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concerned Department or by the Court on the following conditions:-

(a) The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit for the said vehicle to the credit of MANGAYAR MANGALAM, Account No. 12730100005505, IFSC Code : BARB0EGMORE (5th digit zero) Egmore Branch, Chennai;

(b) The petitioner shall execute a 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.III, Tirunelveli;



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(c) The petitioner shall produce the original RC Book of the vehicle before the learned Judicial Magistrate No.III, Tirunelveli. If the original RC Book is in the custody of the finance company, the petitioner shall produce a photocopy of the RC Book, along with an affidavit stating that the original is with the finance company and a letter from the finance company acknowledging such custody.

(d) The petitioner shall give an undertaking before the respondent/ authority concerned stating that he will not use the vehicle in question for any illegal activities in future, failing which the respondent/trial Court is at liberty to confiscate the vehicle;

(e) The petitioner shall not alienate and shall not make any alteration in the vehicle;

(f) The petitioner shall produce the vehicle before the Trial Court once in a month i.e, on 1st Monday of every English calendar month.

03.06.2026

NCC : yes / no

Index : yes / no

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To

1. The Judicial Magistrate No.III, Tirunelveli.
2. The Sub Inspector of Police, Devarkulam, Police Station,
Tirunelveli. (Crime No.199 of 2025).
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL RC(MD) No.864 of 2026

Date : 03/06/2026