

IN THE COURT OF THE DISTRICT AND SESSIONS JUDGE, KARUR

PRESENT:- THIRU K.H.ELAVAZHAGAN, B.Sc., M.L.,

DISTRICT AND SESSIONS JUDGE.

Monday, the 20th day of April 2026

CRIMINAL REVISION CASE No.03/2026

[CNR.No.TNKR-01-000200-2026]

Janarthanan
S/o.Murugesan

...Revision petitioner/Accused/
Owner of the property

vs.

The State represented by
The Inspector of Police,
Velliyanai P.S.,
Cr.No.142/2024

...Respondent/Respondent/complainant

This petition coming before me for final hearing on 06.04.2026 in the presence of Thiru K. Balasubramanian, advocate for the revision petitioner and Thiru. N. Senthilkumar, Public Prosecutor, advocate for the respondent and upon hearing the arguments on both sides and having stood over for consideration till this day, this Court passed the following

ORDER:-

This Criminal Revision Petition is filed u/s. 397 of Cr.P.C seeking to call for the entire records in CrI.M.P.No.1308/2025 on the file of the learned Judicial Magistrate No.II, Karur and thereby set aside the order dated 19.08.2025 and consequently allow the above mentioned criminal revision and pass an order for interim custody of vehicle belonging to the petitioner viz.Okinawa Auto Tech Pvt Ltd Praise Pro (Electric Vehicle) bearing registration No.TN 47 BU 1719 involved in Cr.No.142/2024.

2. The facts and circumstances which gives raise to the Criminal revision petition is as follows:

The petitioner/accused/owner of the property has stated that he is the owner of the vehicle Okinawa Auto Tech Pvt Ltd Praise Pro (Electric Vehicle) bearing

registration No.TN 47 BU 1719. He states that on 17.03.2024, the Velliyanai P.S., has registered a case against him for the offence u/s.4(1)(a) of TN Prohibition Act in Cr.No.142/2024. He states that there is no connection between him and the case as mentioned in the FIR. Further, he states that the said vehicle is still in the custody of the respondent without producing the same before the Court and the same is kept without any safety. If the said vehicle is not used for a long time it will lost its condition and value. Therefore, he has filed this application seeking to issue an RP number and then hand over the said vehicle before the Court. Further, he states that if the Court returns the said vehicle, he will keep the same without any alteration and will produce the same before this Court as and when required by this Court. Therefore, he prays to pass an order for the interim custody of the vehicle Okinawa Auto Tech Pvt Ltd Praise Pro (Electric Vehicle) bearing registration No.TN 47 BU 1719.

3) The notice has been issued to the prosecution side. The prosecution has submitted the reply that as per the said prohibition Act Sec.14(4) is power delegate to offensive vehicle has been confiscated to government. The said case steps were taken for confiscation proceedings. Therefore, the prosecution side could not produce the petition mentioned property before this Court.

4) After hearing the arguments of both sides, the learned Judicial Magistrate No.II, Karur has dismissed the petition.

5.Having been aggrieved against the said order passed by the learned Judicial Magistrate No.II, Karur, the revision petitioner/accused/owner of the property has preferred the revision, on the following grounds:

i) The order of the trial Court is against law, weight of evidence and all probabilities of the case. The trial Court came to the rigid conclusion on surmise that the appellant failed to exercise due care and caution thereby committed violation of Sec.14(4) of Tamil Nadu Prohibition Act 1937.

ii) The above observation made by the trial Court is bad in law because the respondent has not filed final report in Cr.No.142/2024 unless the contrary is

established the appellant remains innocent.

iii)The trial Court has only extracted the provision u/s.14(4) of Tamil Nadu Prohibition Act 1937 and went ahead and rejected the interim custody of the above said vehicle.

iv)The trial Court has failed to view the above case from the appellant's aspect that he was using the above vehicle for his day to day activities and the said vehicle is an electricity powered vehicle and if the same is not charged for a few days, the said vehicle would lose its efficiency.

v) The trial Court has applied the provisions of Sec.14(4) of Tamil Nadu Prohibition Act 1937 in a stringent manner on the appellant and thereby rejected interim custody of the above vehicle.

vi)The above finding of the trial Court is a stigma/remark on the petitioner even before conclusion of trial in Cr.No.142/2024 on the file of the respondent. In view of the above, the order of rejection dated 19.08.2025 wherein the relief of interim custody of the vehicle belonging to the petitioner viz.Okinawa Auto Tech Pvt Ltd Praise Pro (Electric Vehicle) bearing registration No.TN 47 BU 1719 involved in Cr.No.142/2024 on the file of the respondent is to be set aside and consequently, entitle the appellant to have interim custody of the above said vehicle. The appellant undertakes to abide any condition that may be imposed on him with respect to the relief of interim custody of the above said vehicle. Hence, prays to allow the revision.

6. The points for consideration is

i) Whether this revision can be allowed or not?

Answering for Point No.1:

7) **I have perused the materials on record.** The petitioner/accused/owner of the property has filed a petition under Sec.451 and 457 of Cr.P.C seeking to pass an order for the interim custody of the Okinawa Auto Tech Pvt Ltd Praise Pro (Electric Vehicle) bearing registration No.TN 47 BU 1719 to him.

8) Further, the prosecution side has submitted the reply that as per the said prohibition Act Sec.14(4) is power delegate to offensive vehicle has been confiscated

to government. The said case steps were taken for confiscation proceedings. Therefore, the prosecution side could not produce the petition mentioned property before this Court.

9) After hearing the arguments of both sides, the learned Judicial Magistrate No.II, Karur has dismissed the above said petition stating that as per Sec.14(4) of TNP Act, the alleged vehicle shall be detained by the Collector of other Prohibition Officer in-charge of the district or any other officer authorised by the State Government in that behalf.

10) Aggrieved over the above said order, the revision petitioner/accused/owner of the property has filed this revision petition u/s. 397 of Cr.P.C seeking to call for the entire records in CrI.M.P.No.1308/2025 on the file of the learned Judicial Magistrate No.II, Karur and thereby set aside the order dated 19.08.2025 and consequently allow the above mentioned criminal revision and pass an order for interim custody of vehicle belonging to the petitioner viz.Okinawa Auto Tech Pvt Ltd Praise Pro (Electric Vehicle) bearing registration No.TN 47 BU 1719 involved in Cr.No.142/2024.

11) Further, the revision petitioner has contended that the respondent has not filed final report in Cr.No.142/2024 unless the contrary is established the appellant remains innocent. Further, he contends that the trial Court has only extracted the provision u/s.14(4) of Tamil Nadu Prohibition Act 1937 and went ahead and rejected the interim custody of the above said vehicle and he also contended that he was using the above vehicle for his day to day activities and the said vehicle is an electricity powered vehicle and if the same is not charged for a few days, the said vehicle would lose its efficiency.

12) Further, the learned counsel for the revision petitioner has also relied on the judgment in **CrI.R.C.(MD).No.29/2025 dated 09.01.2025 wherein the Honourable Madurai Bench of Madras High Court** has returned the two wheeler bearing registration No.TN 64 AC 5482 on interim custody to the petitioner with conditions which has involved in the commission of offence u/s.4(1)(A) and 4(1)(C)of Tamil

Nadu Prohibition (Amendment Act) 2024 r/w. Sec.14A of TN Prohibition Act.

13) Further, **Rule 51 and 52 of Tamil Nadu Prohibition Act 1937** would reads as follows:-

51. Police to take charge of articles seized.--- All officers in-charge of police stations shall take charge of and keep in safe custody pending the orders of a Magistrate or of a Prohibition Officer, all articles seized under this Act which may be delivered to them; and shall allow any Prohibition Officer who may accompany such articles to the police station, or who may be deputed for the purpose by his superior officer, to affix his seal to such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in-charge of the police station.

52. Power of District Magistrate to transfer cases.—The District Magistrate shall have power to transfer any case under this Act pending inquiry or trial before any Magistrate or Officer in the district to any other Magistrate or Officer therein.

14) Here, I remind the principles laid down in the judgment in **Balamurugan vs. Inspector of Police, dated 09.12.2015 in Crl.O.P.(MD)No.19560 of 2024** wherein the **Honourable Madras High Court** has held that

“Sec.14(4) of the Tamil Nadu Prohibition Act, 1937, completely covers the field of operation, as regards the powers of the competent authorities to order for confiscation. The saving provision in Sec.5 of the Code, will not affect (i) any special law, (ii) any local law, (iii) any special jurisdiction or power, and (iv) any special form of procedure, prescribed in any other law, for the time being in force and in the case on hand, as regards the power of the competent authorities to order for confiscation, it is provided under the Tamil Nadu Prohibition Act 1937.

Comparative reading of the provisions in the code and the Tamil Nadu Prohibition Act 1937, regarding the disposal of the property, which includes

confiscation, makes it clear that the Code of Criminal Procedure is not exhaustive, but recognises the special enactments, and in the case on hand, the Tamil Nadu Prohibition Act 1937. The term Special Jurisdiction is not defined in the Code, but the words Special Laws are defined in the Indian Penal Code to mean a law applicable to a particular subject. Indisputably, the Tamil Nadu Prohibition Act, 1937, is a special enactment and Sec.14(4) of the Act, confers special powers and jurisdiction on the Collector or other Prohibition Officer in-charge of the district or any other officer authorised by the State Government in that behalf, without prejudice to any other punishment to which the offender is liable under this Act, order confiscation of any animal, vessel, cart or other vehicle used in the commission of such offence, if he is satisfied that an offence has been committed against the Act and whether or not a prosecution is instituted for such offence.

15) The case on hand, today, the learned Public Prosecutor has submitted a report stating that the vehicle Okinawa Auto Tech Pvt Ltd Praise Pro (Electric Vehicle) bearing registration No.TN 47 BU 1719 is under the custody of the Additional Superintendent of Police, Prohibition Enforcement Wing, Karur and the same is pending for initiation of confiscation proceedings.

16) Therefore, based on the above said judgment rendered by the Honourable Madras High Court in Balamurugan vs. Inspector of Police, dated 09.12.2015 and the rule 51 and 52 of TNP Act 1937, I am inclined to allow this application. Further, there is no impediment to the prosecution to take the confiscation proceedings as contemplated under the above said Rules of the TNP Act. Therefore, I am handing over the vehicle Okinawa Auto Tech Pvt Ltd Praise Pro (Electric Vehicle) bearing registration No.TN 47 BU 1719 on interim custody to the revision petitioner/accused/owner of the property with conditions thereby setting aside the order of the learned Judicial Magistrate No.II, Karur in CrI.M.P.No.1308/2025 dated 19.08.2025. Accordingly, point no. 1 is answered.

In the result, the Criminal Revision case is allowed and the order passed by the learned Judicial Magistrate No.II, Karur in CrI.M.P.No.1308/2025 dated 19.08.2025 is hereby set aside.

The Additional Superintendent of Police, Prohibition Enforcement Wing, Karur is directed to produce the Okinawa Auto Tech Pvt Ltd Praise Pro (Electric Vehicle) bearing registration No.TN 47 BU 1719 before the learned Judicial Magistrate No.II, Karur immediately.

Upon such production of the vehicle Okinawa Auto Tech Pvt Ltd Praise Pro (Electric Vehicle) bearing registration No.TN 47 BU 1719, it is ordered to be returned to the revision petitioner/accused/owner of the property on interim custody subject to the following conditions:-

(i) The revision petitioner/accused/owner of the property is directed to surrender the original R.C. Book and smart card before the learned Judicial Magistrate No.II, Karur and further, the revision petitioner/accused/owner of the property shall execute a bond for a sum of Rs.50,000/- with two sureties like such sum to the satisfaction of the learned Judicial Magistrate No.II, Karur and on compliance of the condition, the above vehicle shall be returned to the revision petitioner/accused/owner of the property on interim custody by the learned Judicial Magistrate No.II, Karur .

(ii) The revision petitioner/accused/owner of the property shall take the photograph of the vehicle in its all four sides in the presence of the Inspector of Police, Velliyanai police station and produce the photographs in 8 numbers alongwith C.D. before this Court.

(iii) The revision petitioner/accused/owner of the property should not alter the nature and character of the vehicle and he should not encumber or alienate the same without prior permission of the Court.

(iv) The revision petitioner/accused/owner of the property shall give an undertaking affidavit that he will not use the vehicle for any illegal activities and will not involve himself in anymore cases. If this undertaking is breached, the revision

petitioner/accused/owner of the property will not be entitled to interim release of the vehicle in future.

(v) The revision petitioner/accused/owner of the property shall produce the vehicle as and when required by this Court.

Dictated to the Steno-typist, typed by her directly on computer, corrected and pronounced by me in open Court on the 20th day of April 2026.

DISTRICT AND SESSIONS JUDGE,
KARUR.