

IN THE COURT OF JUDICIAL MAGISTRATE AT ANDIPATTI

Present: Thiru.H.Fazil Mohamed B.B.A, LL.B (Hons)

Judicial Magistrate Andipatti

On this 05th day of June 2026

Crl. M.P.No.1237/2026

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Bothiraj S/o.Nagendran

...Petitioner/Owner of the property

- Vs -

The State rep. by Inspector of Police,
Rajathani P.S
Crime No.179/2026
U/s.4(1)(C)TNP act

...Respondent/ Complainant

This petition came up for a final hearing before me today. Upon hearing the arguments of both sides and upon perusing the documents and having stood over for consideration till this day, this court delivers the following

ORDER

1. The Petitioner who is the accused in the main case has filed this Petition Under Section 497 of B.N.S.S. praying to return the case property i.e. **Honda Active Reg No. TN 58 BK 4594** to the petitioner on interim custody. The Respondent was issued notice.
2. Heard the Learned Counsel for the Petitioner and the Learned Public Prosecutor.
3. The case property vehicle **Honda Active Reg No. TN 58 BK 4594** is alleged to have been involved in the commission of offence U/s.4(1)(C)TNP act .
4. The learned counsel for the Petitioner would submit that he is the owner of the the said vehicle and it was seized by the respondent police in the

above Cr.No.179/2026 and the said property said vehicle has been kept in the open place.

5. The respondent has filed a written reply and learned assistant public prosecutor has opposed granting interim custody of the said vehicle to the Petitioner stating that as the vehicle is involved in the commission of the offense under Tamil Nadu Prohibition Act and confiscation proceedings has been initiated.
6. This court considered the rival submissions made by both sides. **Honda Active Reg No. TN 58 BK 4594** is involved in the commission of offence under U/s. 4(1)(C)TNP and as the Confiscation proceedings have been initiated by prosecution. By following the guidelines issued by the Hon'ble Madras High Court in the case of **“David V. Shakthivel, Inspector of Police-cum-Station House Officer, dated 08.01.2010 in Contempt Petition No.1156 of 2020.”** this court feels that as confiscation proceedings have been initiated allowing this petition would futile the entire process of confiscation. For the foregoing reasons and also considering the objection made by the prosecution, this court is not inclined to allow this application and the petition is hereby dismissed.

This order is dictated to Steno-typist, typed by her in system, corrected and pronounced by me in open court on this 05.06.2026

Judicial Magistrate,
Andipatti.