



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)Nos.6029 & 6031 of 2022

Crl.O.P(MD)No.6029 of 2022:

Nesamani

... Petitioner/Revision Petitioner/
Petitioner/Petitioner

Vs.

The State represented by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.426 of 2021)

... Respondent/Respondent/
Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and to set aside the order dated 24.03.2021 in Criminal Revision Petition No.26 of 2022, CNR No. TNMD01-001645-2022 on the file of the learned IV Additional District and Sessions Judge, Madurai against the Cr.M.P No.3394 of 2021, dated 09.12.2021 on the file of the learned Judicial Magistrate, Vadipatti.

For Petitioner
For Respondent

: Mr.K.Kumaravel
: Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

Crl.O.P(MD)No.6031 of 2022:

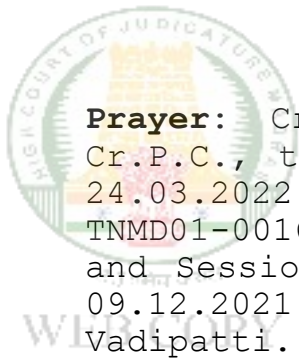
Veerappan

... Petitioner/Revision Petitioner/
Petitioner/Petitioner

Vs.

The State represented by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.426 of 2021)

... Respondent/Respondent/
Respondent/Complainant



Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and to set aside the order dated 24.03.2022 in Criminal Revision Petition No. 25 of 2022, CNR No. TNMD01-001644-2022 on the file of the Learned IV Additional District and Sessions Judge, Madurai against Cr.M.P No. 3395 of 2021 dated 09.12.2021 on the file of the learned Judicial Magistrate, Vadipatti.

For Petitioner : Mr.K.Kumaravel

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

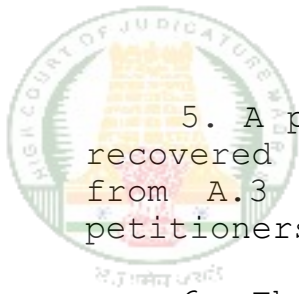
COMMON ORDER

These Criminal Original Petition has been filed to set aside the orders dated 24.03.2021 in Criminal Revision Petition Nos.25 & 26 of 2022, CNR Nos. TNMD01-001645-2022 & TNMD01-001644-2022 on the file of the learned IV Additional District and Sessions Judge, Madurai against the Cr.M.P Nos.3394 & 3395 of 2021, dated 09.12.2021 on the file of the learned Judicial Magistrate, Vadipatti and thereby dismissing the filed under Section 451 Cr.P.C.

2. The case of the prosecution is that both the petitioners are arrayed as A.2 and A.3 in Crime No.426 of 2021 on the file of the respondents registered for the offences under Sections 273, 328 IPC, Section 7, 20 (i) COTPA Act, 2003 and Section 52 and 59 of Food Safety Act. The petitioner in Crime No.60 of 29/ A.2 intercepted by the respondent with Shift car, Bajaj Platina two wheeler and vivo cell phone, Redmi-MI cell phone, Samsung cell phone (button type) and several pockets of Ganesh Tobacco, Ganesh 701 tobacco, Bolozubban-Kesari products with cash Rs.45,000/- and Rs,38,600/-. The same were recovered and remanded him with judicial custody.

3. Thereafter, the petitioners were granted bail all the properties were deposited before the learned Judicial Magistrate, Vadipatti, in RPR.No. 322 of 2021. While pending investigation, the petitioners have filed the petition to return those properties and the same were dismissed for the reason that if the properties are returned to the petitioners they will commit the same type of offence in future and added that will affect the trial. Aggrieved by the same, the petitioners have filed the revision before the IV Additional District and Sessions Court, Madurai and both the revisions were dismissed and confirmed the order passed by the learned Judicial Magistrate.

4. Now, the learned Government Advocate (Criminal Side) submitted that almost investigation is completed final report is yet to be filed.



5. A perusal of documents revealed that from A.2 the respondent recovered Redmi Cell phone and shift car and button phone seized from A.3 and were produced before the Court below. Now the petitioners were released on bail.

6. The vehicle is now in broad day light from the date of seizure and now the investigation is completed and the respondent police is about to file the final report and hence no useful purpose will be served in keeping the vehicle parked in the sunlight and rain.

7. In view of the same, the orders dated 24.03.2021 in Criminal Revision Petition Nos.25 & 26 of 2022, CNR Nos. TNMD01-001645-2022 & TNMD01-001644-2022 on the file of the learned IV Additional District and Sessions Judge, Madurai, against the Cr.M.P.Nos.3394 & 3395 of 2021, dated 09.12.2021 on the file of the learned Judicial Magistrate, Vadipatti is set aside and the Criminal Original Petitions are allowed. The learned Magistrate is directed to release the vehicle and Redmi Mobile phone of the accused persons forthwith on interim custody, subject to the following conditions:

Conditions for return of Maruthi Swift VDI BS IV vehicle bearing Reg.No. TN 770311

- that the accused is directed to execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only), each for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatti, within a period of four weeks from the date of receipt of a copy of this order;
- that the petitioner shall deposit the original Registration Certificate of the vehicle with the learned Judicial Magistrate, Vadipatti.
- that the seized item should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner;
- that the petitioner shall not alienate and shall not make any alteration in the vehicle;
- that the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;
- If any of the conditions are violated, this order automatically stands cancelled.

Conditions for return of Redmi Mobile phone

- that the seized item should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner;
- that the petitioner shall not alienate and shall not make any alteration in the said property
- that the petitioner shall produce the mobile phone before the Court and before the respondent police as and when required;



- If any of the conditions are violated, this order automatically stands cancelled.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate,
Vadipatti.

2.IV Additional District and Sessions Judge,
Madurai

3.The Inspector of Police,
Alanganallur Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.M. SRIDHARAN, Advocate (SR-18904,SR-18905[F] dated
18/04/2022)

Crl.O.P(MD)Nos.6029 & 6031 of 2022
13.04.2022

RD(26.05.2022) 4P 7C