



Crl.R.C.(MD).No.1046 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 20.09.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.1046 of 2023

P.Sasikumar

... Petitioner/Petitioner/Vehicle Owner

Vs.

1.The State rep. by its
The Inspector of Police,
Tiruchendur Police Station,
Tuticorin District.
(Cr.No.86 of 2023)

... 1st Respondent/1st Respondent/Complainant

2.The Branch Manager,
Tamil Nadu Mercantile Bank Ltd.,
Thoothukudi Port Trust,
Thoothukudi.

... 2nd Respondent/2nd Respondent/Financier

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the order refusal of return of vehicle passed in Crl.M.P.No.2689 of 2023 in Cr.No.86 of 2023 dated 25.08.2023 on the file of the Judicial Magistrate Court, Tiruchendur in Crime No.86 of 2023 on the file of the respondent police and set aside the same and direct to release the petitioner's vehicle namely, Maruthi Suzuki India Ltd Super Carry White Load Van bearing Reg.No.TN-96-E-7815.



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For Petitioner : M/s.M.Jerin Mathew

For R1 : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

ORDER

This petition has been filed to set aside the order passed by the learned Judicial Magistrate Court, Tiruchendur, in Crl.M.P.No.2689 of 2023 dated 25.08.2023 and consequently, direct the Judicial Magistrate Court, Tiruchendur, to release the petitioner's vehicle namely, Maruthi Suzuki India Ltd Super Carry White Load Van bearing Reg.No.TN-96-E-7815.

2.According to the petitioner, he is the owner of the vehicle namely, Maruthi Suzuki India Ltd Super Carry White Load Van bearing Reg.No.TN-96-E-7815. According to the prosecution, number of persons committed the mischief to the temple property and taken the same in the said Van. The respondent police seized the said Van and registered a case in Crime No.86 of 2023. In the said case, the petitioner was not arrayed as accused. At this stage, the petitioner filed a petition before the learned Judicial Magistrate, Tiruchendur in Crl.M.P.No.2689 of 2023 under Section 451 of Cr.P.C., to seek interim custody of the vehicle. The said petition was dismissed on the ground that the



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petitioner was not ready to give undertaking affidavit with the averment that he would appear before the respondent police and ready to co-operate to complete the investigation. Aggrieved over the same, the petitioner filed this Revision.

3. The learned counsel for the petitioner submitted that the petitioner is ready to file an undertaking affidavit and also ready to appear before the respondent police and co-operate to complete the investigation.

4. Recording the said submission of the learned counsel for the petitioner, this Court is inclined to allow this Revision with the following conditions:-

i) The petitioner should file an affidavit as required by the learned trial Judge.

ii) Upon receipt of the affidavit, the learned Judicial Magistrate, Tiruchendur, is directed to release the vehicle by following the procedure stated in 257 of the Criminal Rules of Practice, 2019.

iii) The petitioner should execute an own bond of sum of **Rs.3,80,000/- (Rupees Three Lakhs and Eighty Thousand Only)** along with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Tiruchendur, as mentioned in the Insurance Certificate.



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iv) The petitioner should deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** to the credit of Crime No.86 of 2023 and the same shall redeposit in the interest bearing account of any one of the nationalized bank till the disposal of the case and the petitioner is at liberty to get back the said amount in the event of acquittal.

v) The petitioner should surrender the Xerox copy of RC Book before the Court.

vi) The petitioner shall furnish an affidavit of undertaking to the effect that he shall not alienate the property in any manner till the disposal of the case.

(vii) The petitioner shall not alter the character and nature of the vehicle till the disposal of the case.

5. With the above directions, this Criminal Revision Case is allowed.

20.09.2023

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

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Note : Issue order copy on 17.10.2023



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To

- 1.The Judicial Magistrate,
Tiruchendur.
2. The Inspector of Police,
Tiruchendur Police Station,
Tuticorin District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 4.The Section Officer,
Record Section(Criminal)
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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