



Crl.R.C.(MD)No.748 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.748 of 2024

Sheeja Selin

... Petitioner

Vs.

State rep. By the Inspector of Police,
Kaliyakkavilai Police Station,
Kaliyakkavilai,
Kanyakumari District.

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 of BNSS, to call for the records relating to the Crl.M.P.No.7699 of 2024 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, set aside the same by allowing the petition in Crl.M.P.No.7699 of 2024.

For Petitioner : Mr.C.Godwin

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.7699 of 2024 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, dismissing the petition filed under Sections 497 and 503 of BNSS.



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2. The petitioner claims to be the owner of Maruti Swift Car bearing Registration No.KL-01-CF-4888. On 24.06.2024, the respondent police has registered a case in Crime No.210 of 2024 for the offences under Section 302 IPC and seized the above said vehicle bearing Registration No.KL-01-CF-4888 with regard the above case.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.I, Kuzhithurai, for returning of the said vehicle in Crl.M.P.No.7699 of 2024 and the learned Judicial Magistrate, vide order dated 22.07.2024, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner's husband has been arrayed as accused No.2 in the above case.



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6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.KL-01-CF-4888 is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, that the vehicle is with the police for the past two months, that if the vehicle is kept in open place, the value of the said vehicle will get deteriorated and that therefore interim custody may be granted to the petitioner.

7. Considering the facts and circumstances of the case and also 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 no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 22.07.2024 passed in Crl.M.P.No.7699 of 2024, by the learned Judicial Magistrate No.I, Kuzhithurai.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 22.07.2024 passed in Crl.M.P.No.7699 of 2024 by the learned Judicial Magistrate No.I, Kuzhithurai, is hereby set aside and the vehicle/Maruti Swift Car bearing Registration No.KL-01-CF-4888, is ordered to be returned to the petitioner for interim custody forthwith on the following conditions:-



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(a) the petitioner shall execute a bond for a sum of **Rs.2,00,000/- (Rupees Two Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai;

(b) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.I, Kuzhithurai;

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

(d) the petitioner shall produce the vehicle before the learned Judicial Magistrate No.I, Kuzhithurai, on the first working day of every month;

09.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



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To

- 1.The Judicial Magistrate No.I,
Kuzhithurai.
- 2.The Inspector of Police,
Kaliyakkavilai Police Station,
Kaliyakkavilai, Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
CrI.R.C.(MD)No.748 of 2024

Dated: 09.08.2024