



Crl.R.C.(MD)No.809 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.809 of 2024

Karuppuraja

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
(Crime No.415 of 2024)

... Respondent

PRAYER : Criminal Revision Petition filed under Sections 438 r/w 442 BNSS, to call for the records relating to the order dated 13.08.2024 in Crl.M.P.No.2617 of 2024 in Crime No.415 of 2024 on the file of the learned Judicial Magistrate No.VI, Madurai, set aside the same and consequentially direct the learned Judicial Magistrate No.VI, Madurai to return Piaggio Auto bearing Reg.No.TN-59-AR-4587 to the petitioner herein.

For Petitioner : Mr.P.Aju Tagore

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



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ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.2617 of 2024 dated 13.08.2024 on the file of the Judicial Magistrate No.VI, Madurai, dismissing the petition filed under Sections 451 and 457 Cr.P.C.

2. The petitioner claims to be the owner of Piaggio Auto bearing Registration No.TN-59-AR-4587. On 24.06.2024, the respondent police has registered a case in Crime No.415 of 2024 for the offences under Sections 279 and 336 IPC and Sections 177 and 184 of Motor Vehicles Act, 1988 and seized the above said vehicle bearing Registration No.TN-59-AR-4587 for the violating the traffic rules.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.VI, Madurai for returning of the said vehicle in Crl.M.P.No.2617 of 2024 and the learned Judicial Magistrate, vide order dated 13.08.2024, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



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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 is not having any previous cases for similar offence and that the said vehicle was not involved in any other cases.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-59-AR-4587 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. He would further submit that the petitioner has already submitted the original RC book of the above said vehicle to M/s.P.G.Pawn Brokers and Money Lenders.



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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 13.08.2024 passed in Crl.M.P.No.2617 of 2024, by the learned Judicial Magistrate No.VI, Madurai.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 13.08.2024 passed in Crl.M.P.No.2617 of 2024 by the learned Judicial Magistrate No.VI, Madurai, is hereby set aside and the vehicle/Piaggio Auto bearing Registration No.TN-59-AR-4587, is ordered to be returned to the petitioner for interim custody forthwith on the following conditions:-

- (a) the petitioner shall execute a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.VI, Madurai;



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- (b) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (c) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;
- (d) With regard to original RC book, the learned Judicial Magistrate No.VI, Madurai shall direct the concerned money lenders to produce the original RC book before the Court and after verifying the original RC book, return the same to the concerned money lenders.

30.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Judicial Magistrate No.VI,
Madurai.
- 2.The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
CrI.R.C.(MD)No.809 of 2024

Dated: 30.08.2024