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Crl.R.C.(MD)No.993 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2024

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.993 of 2024

Mohammed Arshath

... Petitioner

Vs.

The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
Crime No.189 of 2023

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to set aside the order made in Crl.M.P.No.13474 of 2023 on the file of the learned Judicial Magistrate No.I, Kulithurai dated 23.11.2023 and thereby direct the respondent police to return the vehicle (Mahindra Bolero Pickup) bearing Reg.No.TN 75 AT 9110 to the custody of the petitioner pending conclusion of the trial.

For Petitioner : Mr.XXXXXXXXXXXXX

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.13474 of 2023 in Crime No.189 of 2023 dated 23.11.2023 on the file of the Judicial Magistrate No.I, Kulithurai, dismissing the petition filed under Section 497 B.N.S.S.

2.The petitioner claims to be the owner of Mahindra Bolero Pickup bearing Registration No.TN 75 AT 9110. On 13.11.2023, the respondent police has registered a case in Crime No.189 of 2023 for the offences under Sections 279, 269 and 270 IPC and seized the above said vehicle bearing Registration No.TN 75 AT 9110 for the alleged illegal transportation of the body parts of the dead cattle.

3.It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.I, Kulithurai for returning of the said vehicle in Crl.M.P.No.13474 of 2023 and the learned Judicial Magistrate, vide order dated 23.11.2023, 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 the owner of the vehicle, that the petitioner was not having any previous cases 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 75 AT 9110 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 11 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



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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 23.11.2023 passed in Crl.M.P.No.13474 of 2023, by the learned Judicial Magistrate No.I, Kulithurai.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 23.11.2023 passed in Crl.M.P.No.13474 of 2023 by the learned Judicial Magistrate No.I, Kulithurai, is hereby set aside and the vehicle/Mahindra Bolero Pickup bearing Registration No.TN 75 AT 9110, is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

- (a) the petitioner shall execute a bond for a sum of **Rs.3,00,000/- (Rupees Three Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Kulithurai;



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- (b) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.I, Kulithurai;
- (c) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (d) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

17.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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



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K.MURALI SHANKAR,J.

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