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Crl.O.P.No. 4499 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 4499 of 2025

Keerthivasan

..... Petitioner

Vs

State rep. through
The Inspector of Police,
Valangaiman Police Station,
Tiruvarur District.
Crime No.577 of 2023

..... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the order in Cr.M.P.No.1035 of 2023 dated 07.11.2023 and Crl.R.P.No.6 of 2024 on the file of the Principal District and Sessions Judge, Tiruvarur, dated 02.12.2024 passed by the District Munsif cum Judicial Magistrate Court, Valangaiman and set aside the same as illegal.

For Petitioner : Mr.S.Sankar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)



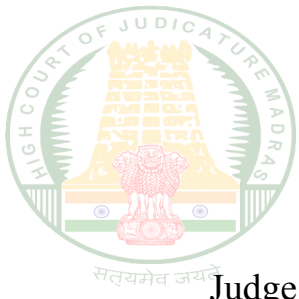
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ORDER

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This Criminal Original Petition has been filed challenging the order dated 07.11.2023 passed in Cr.M.P.No.1035 of 2023 by the District Munsif cum Judicial Magistrate Court, Valangaiman and the order dated 02.12.2024 passed in CrI.R.P.No.6 of 2024 by the Principal District and Sessions Judge, Tiruvarur, thereby dismissing the petition for return of vehicle.

2. The petitioner is an accused in Crime No.577 of 2023. The Bolero Pickup Vehicle bearing Registration No.TN-68-AH-8335 belonging to the petitioner was seized by the respondent police in Crime No.577 of 2023 for the offence under Section 286 of IPC and Sections 9(B)(1)(b) and 9(B)(1)(a) of the Indian Explosive Act, 1884. The petitioner filed a petition in CrI.M.P.No.1035 of 2023 before the District Munsif cum Judicial Magistrate Court, Valangaiman, seeking for return of the vehicle. This petition was not entertained by the Court below. Aggrieved by the same, the petitioner filed a revision petition in Cr.R.P.No. No.6 of 2024 on the file of the Principal District and Sessions



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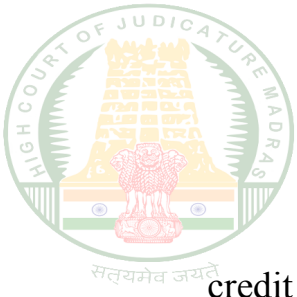
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Judge, Tiruvarur and the same was also dismissed by an order dated 02.12.2024. Hence, the present Criminal Original Petition has been filed before this Court.

3. Heard the learned counsel appearing on either side and perused the materials placed on record.

4. Considering the above facts and circumstances, order dated 07.11.2023 passed in Cr.M.P.No.1035 of 2023 by the District Munsif cum Judicial Magistrate Court, Valangaiman and the order dated 02.12.2024 passed in CrI.R.P.No.6 of 2024 by the Principal District and Sessions Judge, Tiruvarur, are hereby set aside. The District Munsif cum Judicial Magistrate Court, Valangaiman, is directed to return the vehicle viz., Bolero Pickup Vehicle bearing Registration No.TN-68-AH-8335 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute a bond for a sum of Rs.1,00,000/- (Rupees one lakhs only) with two solvency sureties each for the likesum to the satisfaction of the concerned Magistrate to the



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credit of Crime No.577 of 2023 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original registration certificate of the vehicle with the concerned Magistrate.

(iii) 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.

(iv) the petitioner shall not alienate and shall not make any alteration in the vehicle.

(v) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

(vi) If any of the conditions are violated, this order automatically stands cancelled.

4. Accordingly, the Criminal Original Petition stands allowed.

19.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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- To
1. The Principal District and Sessions Judge,
Tiruvarur.
 2. The District Munsif cum Judicial Magistrate,
Valangaiman
 3. The Inspector of Police,
Valangaiman Police Station,
Tiruvarur District.



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G.K.ILANTHIRAIYAN, J.

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