



Crl.O.P.No. 6646 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2025

CORAM:

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

Crl.O.P.No.6646 of 2025

Amarnath

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
Valangaiman Police Station,
Tiruvarur District.
Crime No.576 of 2023

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 11.12.2024 in Crl.Revision Petition No.5 of 2024 passed by the Principal District Judge, Tiruvarur and direct the respondent to return the vehicle Reg. No.TN-68 AA 4727 to the petitioner.

For Petitioner : Mr.A.Santhana Sinakarthan

For Respondent : Mr.A.Gopinath,
Government Advocate (crl.side)



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ORDER

This petition has been filed challenging the order dated 11.12.2024, passed by the learned Principal District Judge, Tiruvarur, in CrI.Revision Petition No.5 of 2024, thereby dismissing the petition for return of vehicle.

2. Heard the learned counsel appearing on either side and perused the materials placed on records.

3. The petitioner is the owner of the vehicle, TATA ACE bearing Registration No. TN 68 AA 4727. The said vehicle was involved in offenses committed by his father, who was alleged to be in possession of 5 kg of crackers, which exceeds the permissible quantity under the relevant license. Consequently, the respondent registered a case in Crime No. 576 of 2023 for offences under Sections 286 of the Indian Penal Code, and Sections 9(B)(1)(b) and 9(B)(1)(c) of the Indian Explosives Act, 1884. Following the registration of the First Information Report, the petitioner was arrested and the vehicle was seized by the respondent. As



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the owner of the vehicle, the petitioner filed an application for the return of the vehicle. However, the said application was dismissed by the District Munsif-cum-Judicial Magistrate, Valangaiman in CrI.M.P.No.1036 of 2023 by an order dated 07.11.2023 and the decision was affirmed by the Revisional Court in Criminal Revision Petition No.5 of 2024 by an order dated 11.12.2024. It is submitted that the vehicle has been kept exposed to the elements for the past two weeks. That apart, the petitioner is not an accused in Crime No.576 of 2023.

4. Considering the above facts and circumstances, the order dated 11.12.2024, on the file of the learned Principal District Judge, Tiruvarur, in CrI.Revision Petition No.5 of 2024 is hereby set aside. The District Munsif-cum-Judicial Magistrate, Valangaiman is directed to return the vehicle viz., TATA ACE bearing Reg.No.TN 68 AA 4727 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 lakh only) with two solvency sureties each for the likesum to the satisfaction of the concerned Magistrate to the credit of Crime No.576 of 2023 pending on the file of the respondent police.



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(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.

5. Accordingly, the Criminal Original Petition stands allowed.

10.03.2025

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



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To
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1. The District Munsif-cum-Judicial Magistrate, Valangaiman
2. Principal District Judge, Tiruvarur
3. The Inspector of Police,
Valangaiman Police Station,
Tiruvarur District.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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