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CRL RC No. 1619 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1619 of 2025

1. C.Rajkumar

S/o.Chokkiah, No.10A, Dukkaram
Street, Avaniapuram, Madurai,
Tamilnadu - 625012.

Petitioner(s)

Vs

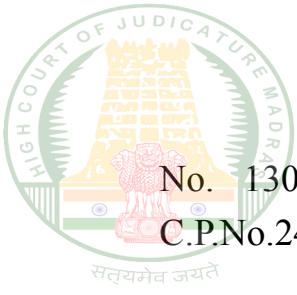
1. The Inspector of Police,
T-21, Kilambakkam Police Station,
Tambaram, Chengalpattu, (Crime No.
130/2025)

Respondent(s)

CRL RC No. 1619 of 2025

PRAYER

To set aside the order dated 06.08.2025 passed in Crl.MP.No.1684/2025 on the file of the Judicial magistrate -I, Tambaram and direct the Judicial Magistrate -I, Tambaram to return the commercial vehicle Daimler India Commercial Vehicles Pvt. Ltd, bearing Registration No. TN 70 P 6777, Model Name, BharathBenz 3128C 8X4 BS III, Chassis No. MEC2542BGEP009277, Engine No.400951D0009505, Yellow Colour, Confiscated in Connection with Crime



No. 130/2025 on the file of the respondent herein and produced in
C.P.No.244/2025 dated 24.07.2025.

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For Petitioner(s): C.V. Kumar
N.Sivaraman
P.Vishnu
M.S.Vigneswaran
S.Subburaj
E.Bhavani

For Respondent(s): Public Prosecutor

ORDER

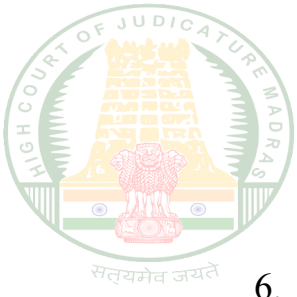
This petition has been filed to set aside the order dated 06.08.2025 passed in Crl. MP. No.1684/2025 on the file of the Judicial magistrate -I, Tambaram and direct the Judicial Magistrate -I, Tambaram to return the commercial vehicle Daimler India Commercial Vehicles Pvt. Ltd, bearing Registration No. TN 70 P 6777, Model Name, BharathBenz 3128C 8X4 BS III, Chassis No. MEC2542BGEP009277, Engine No.400951D0009505, Yellow Colour, Confiscated in Connection with Crime No. 130/2025 on the file of the respondent herein and produced in C.P.No.244/2025 dated 24.07.2025.



2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner's vehicle bearing registration No. TN 70 P 6777 was seized by the respondent police in connection with crime No. 130 of 2025. The case of the prosecution is that the above vehicle was found being operated with the duplicate registration number plate No. TN 70 Q 6777 and its Insurance Policy had expired. Thereafter the said vehicle was produced before the Judicial Magistrate -I, Tambaram.

4. As per the learned Government Advocate (Crl. Side) the petitioner's lorry operated with duplicate registration number plate No. TN 70 Q 6777 and its Insurance Policy had expired. Further, the provision under Section 451 of Cr.P.C./497(1) of BNSS provides for protection of the property from degradation due to non maintenance in the custody of the police as it takes long time for conclusion of criminal proceedings. The vehicle is in broad day light from the date of seizure and the trial has also been commenced and hence no useful purpose will be served in keeping the vehicles parked in the sunlight and rain.



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6. In view of the above discussions, this Court is inclined to return the vehicle to the petitioner and accordingly, the order passed in Crl.MP.No.1684/2025 dated 06.08.2025 by the Judicial Magistrate - I, Tambaram, is hereby set aside. The learned Judicial Magistrate is directed to return the BHARATBENZ bearing Registration No. TN 70 P 6777 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.1,00,000/- (Rupees One lakh only) to the satisfaction of the concerned Magistrate to the credit of Crime No.130 of 2025 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 and also directed not to transfer the said vehicle to third parties till completion of the investigation.

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

7. Accordingly, the Criminal Revision Case stands allowed.

03-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Note : Issue order copy on 08.09.2025.



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To

1. The Inspector of Police,
T-21, Kilambakkam Police Station,
Tambaram, Chengalpattu, (Crime No.
130/2025)
2. The Judicial Magistrate No.1,
Tambaram.



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T.V.THAMILSELVI J.
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