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CRL RC No. 2224 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2224 of 2025

1. Alavudeen

S/o.Abdul Wahab, No. 38 Parath Street,
Kulithalai, Karur.

Petitioner(s)

Vs

1. The State Represented by

The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
Crime No. 127/2025.

Respondent(s)

PRAYER

Criminal Revision Case is filed under Section 438 r/w 442 of BNSS Act, 2023, praying to set aside the order dated 15.10.2025 passed in CrI.M.P.No. 387/2025 in PRC No. 27/2025 by the Learned Judicial Magistrate, Palladam, in connection with Crime No. 127/2025 for the offences U/s. 126(2), 319(2) 140(3) and 309(4) BNS r/w Sections 126(2), 319(2), 140(3) and 310(2) BNS on the file of the Respondent police and direct the respondent herein to return the petitioner's vehicle Hyundai 120 (Polar white colour) vehicle bearing Registration No. TN 48 AD 2053.



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For Petitioner(s): Mr.M.Govindaraju

For Respondent(s): Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

This Criminal Revision has been filed challenging the order passed in Crl.M.P.No.387 of 2025 dated 15.10.2025, in PRC.No.27 of 2025, on the file of Judicial Magistrate, Palladam, thereby dismissing the petition filed for return of vehicle namely Hyundai 120 (Polar white colour) vehicle bearing Registration No. TN 48 AD 2053.

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

3. The petitioner owned a Hyundai 120 (Polar white colour) vehicle bearing Registration No. TN 48 AD 2053. Pursuant to the registration of FIR in Crime No.127 of 2025, on the file of the respondent Police, the case has been registered for the offence punishable under Sections U/s. 126(2), 319(2) 140(3) and 309(4) BNS r/w Sections 126(2), 319(2), 140(3) and 310(2) BNS, as



against the Driver of the Hyundai 120 and others. The petitioner is arrayed as

A3. The said vehicle was produced before the learned Judicial Magistrate, Palladam. The RC book is under custody and has been deposited before the DVC for availing the loan.

4. The learned Government Advocate (Crl. side) would submit that after completion of investigation, a final report has been filed in PRC.No.27 of 2025, before the learned Judicial Magistrate, Palladam, and it is pending for taking cognizance.

5. 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.



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.M.P.No.387 of 2025 dated 15.10.2025 by the learned Judicial Magistrate, Pallada, is hereby set aside. The learned Judicial Magistrate, Palladam, is directed to return the vehicle Hyundai 120 (Polar white colour) vehicle bearing Registration No. TN 48 AD 2053, 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.127 of 2025 pending on the file of the respondent police.

(ii) the petitioner is directed to file an affidavit undertaking that he will not indulge in any such activities.

(iii) the petitioner shall file an affidavit stating that the vehicle will not be used for any offences or criminal activities.

(iv) 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.

(v) the petitioner shall not alienate and shall not make any alteration in



the vehicle.

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

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

7. Accordingly, the Criminal Revision Case stands allowed.

05-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1. The State Represented by
The Inspector of Police,
Avinashpalayam Police Station,
Tiruppur District. Crime No. 127/2025.

2. The Judicial Magistrate, Palladam.

3. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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