



Crl.R.C.(MD)No.29 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2025

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THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.29 of 2025

Srimathi Chelladurai

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Keerathurai Police Station,
Madurai City,
Madurai District.
(Crime No.583 of 2024)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w Section 442 of BNSS, to call for the records pertaining to the impugned order in Cr.M.P.No.3432 of 2024 dated 27.12.2024 on the file of the learned Judicial Magistrate No.4, Madurai and set aside the same as illegal & void and consequently, direct the respondent police to release the vehicle Suzuki Avenis SE bearing Registration No.TN-64-AC-5482.



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For Petitioner : Mr.K.Dinesh

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

ORDER

The Criminal Revision Case is directed against the order, dated 27.12.2024, passed in Cr.M.P.No.3432 of 2024 on the file of the learned Judicial Magistrate No.4, Madurai dismissing the petition filed under Section 499 read with Section 503 of BNSS.

2. The petitioner claims to be the owner of the vehicle Suzuki Avenis Two Wheeler bearing Registration No.TN-64-AC-5482. On 15.12.2024, the respondent police seized the vehicle on the ground that the vehicle was used for illegal transportation of 96 liquor bottles, and registered a case in Crime No.583 of 2024 for the offence under Sections 4(1)(A) and 4(1)(C) of the Tamil Nadu Prohibition (Amendment) Act, 2024 read with Section 14A of TN Prohibition Act.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.4, Madurai by filing a petition for the return of her two wheeler bearing registration No.TN-64-AC-5482 in



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Cr.M.P.No.3432 of 2024, and the learned Judicial Magistrate No.4, Madurai, vide order dated 27.12.2024, has dismissed the said petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5. The learned counsel appearing for the petitioner would submit that the vehicle Suzuki Avenis Two Wheeler bearing Registration No.TN-64-AC-5482 is owned by the petitioner, and the said vehicle has no connection whatever with the alleged occurrence, and the vehicle is with the police for the past three weeks, and if the vehicle is kept in open place, the value of the said vehicle will get deteriorated. Therefore, interim custody of the vehicle may be granted to the petitioner. In support of his argument, the learned counsel for the petitioner has relied upon the order passed by this Court in Crl.R.C.(MD)No.1241 of 2024 dated 16.12.2024.



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6. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the owner of the two wheeler bearing registration No.TN-64-AC-5482, and the two wheeler was used for illegal transportation of 96 liquor bottles. He would further submit that the confiscation proceeding has not been initiated yet.

7. In this case, the vehicle was seized on 15.12.2024. The vehicle is kept in the open place from 15.12.2024 onwards. Further, if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody. Considering the over all facts and circumstances of the case, and also considering the fact that the confiscation proceeding has not been initiated so far, this Court is inclined to allow this revision by following the principle of law laid down by the Honourable Supreme Court, in the case of *Sunderbhai Ambalal Desai Vs. State of Gujarat* [2002 (10) SCC 283].



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8. Accordingly, this Criminal Revision Case is allowed, and the order, dated 27.12.2024, passed in Cr.M.P.No.3432 of 2024 by the learned Judicial Magistrate No.4, Madurai is hereby set aside and the vehicle Suzuki Avenis Two Wheeler bearing Registration No.TN-64-AC-5482 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 :

(i) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for the like sum to the satisfaction of the learned Judicial Magistrate No.4, Madurai;

(ii) the vehicle shall be photographed in different angle and the engine and chassis number shall also be photographed in the presence of the Head Clerk of the learned Judicial Magistrate No.4, Madurai at the cost of the petitioner and the petitioner's signature to be obtained in the backside of the photographs, and the said photographs and CD shall be kept in the case bundle for the purpose of marking them as material objects during trial;

(iii) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.4, Madurai;



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(iv) the petitioner shall not dispose or alienate or change the physical features of the vehicle till the disposal of the case or till disposal of the confiscation proceeding; and

(v) the petitioner shall cooperate with the trial Court for disposal of the case and also to complete the confiscation proceeding.

09.01.2025

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

- 1.The learned Judicial Magistrate No.4,
Madurai.
- 2.The Inspector of Police,
Keerathurai Police Station,
Madurai City,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.VADAMALAI, J.

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