



Crl.R.C.(MD)No.35 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2025

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THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.35 of 2025

Justin Prabhakaran

... Petitioner

Vs.

State represented through
The Inspector of Police,
Thirunagar Police Station,
Madurai District.
(Crime No.146 of 2024)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to set aside the order dated 16.12.2024 passed by the learned Judicial Magistrate No.6, Madurai in Crl.M.P.No.6325 of 2024 and subsequently, direct the trial Court to return the petitioner's vehicle bearing registration No.TN-58-BK-2108 in Crime No.146 of 2024 on the file of the respondent.

For Petitioner : Mr.Naresh Prabu.A

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



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ORDER

The Criminal Revision Case is directed against the order, dated 16.12.2024, passed in Crl.M.P.No.6325 of 2024 on the file of the learned Judicial Magistrate No.6, Madurai dismissing the petition filed under Sections 503 and 497 of BNSS.

2. The petitioner claims to be the owner of the two wheeler viz. Bajaj Pulsar 150 DTS-1 bearing Registration No.TN-58-BK-2108. The respondent police seized the said vehicle for an occurrence that took place on 13.03.2024, and registered a case in Crime No.146 of 2024 against three accused persons for the offence under Sections 294(b), 324, 307, 506(2) and 109 of IPC.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.6, Madurai by filing a petition for the return of vehicle bearing registration No.TN-58-BK-2108 in Crl.M.P. No.6325 of 2024, and the learned Magistrate, vide his order, dated 16.12.2024, has dismissed the said petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



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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 petitioner has been arrayed as A1 in the aforesaid case, and the said vehicle has no connection whatever with the alleged occurrence, and the vehicle is with the police for the past ten months, and if the vehicle is kept in open place, the value of the said vehicle will get deteriorated. Therefore, interim custody may be granted to the petitioner.

6. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner has been arrayed as A1 in this case. He would also submit that the value of the vehicle comes to Rs.70,000/-, and the RC Book of the vehicle stands in the name of the petitioner.

7. In this case, the vehicle was seized on 13.03.2024. The vehicle is kept in the open place from 13.03.2024 onwards. Further, if the vehicle



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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, 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]***.

8. Accordingly, this Criminal Revision Case is allowed, and the order, dated 16.12.2024, passed in Crl.M.P.No.6325 of 2024 by the learned Judicial Magistrate No.6, Madurai is hereby set aside and the two wheeler Bajaj Pulsar 150 DTS-1 bearing Reg.No.TN-58-BK-2108 is ordered to be returned to the petitioner for interim custody on the following conditions :

(i) the petitioner shall execute a bond for a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.6, 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.6, Madurai



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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.6, Madurai;

(iv) the petitioner shall not alienate and shall not alternate the physical features of the vehicle till the disposal of the case; and

(v) the petitioner shall produce the vehicle before the learned Judicial Magistrate No.6, Madurai on first working day of every English Calender month at 10.30 a.m. until further orders.

10.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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P.VADAMALAI, J.

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To

- 1.The learned Judicial Magistrate No.6,
Madurai.
- 2.The Inspector of Police,
Thirunagar Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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