



Crl.R.C.(MD) No.125 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.125 of 2025

Jeyaramachandran

: Petitioner

Vs.

State rep.by the Sub-Inspector of Police,
Kovilpatti P.E.W.,
Thoothukudi District.
[Crime No.495 of 2024].

: Respondent

PRAYER : This Criminal Revision Petition has been filed under Section 438 read with 442 of B.N.S.S., to call for the records pertaining to the Order passed by the Learned District Munsif Cum Judicial Magistrate, Vilathikulam in Crl.M.P. No.2 of 2025 vide Order dated 08.01.2025 and set aside the same and consequently direct the Learned Magistrate to return the petitioner's Yamaha Fascino bearing Registration No.TN 96 K 3666 in connection with the case in Crime No.495 of 2024 on the file of the respondent police.

For Petitioner : Mr.P.Banuprasath

For Respondent : M/s.M.Aasha,
Government Advocate (Crl. Side)



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ORDER

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The Criminal Revision is directed against the order passed in Crl.M.P.No.2 of 2025 in Crime No.495 of 2024, dated 08.01.2025 on the file of the Learned District Munsif cum Judicial Magistrate, Vilathikulam, dismissing the petition filed under Section 503 of BNSS.

2. The Petitioner claims to be the owner of the vehicle/Yamaha Fascino bearing Reg.No.TN-96-K-3666. On 08.12.2024, the respondent police intercepted the vehicle bearing Reg.No.TN-96-K-3666 and seized the vehicle as the same was involved in prohibition offences and registered a case in Crime No.495 of 2024 for the offences under Sections 4(1)(C), 14(A) (Transport) TNP Act.

3. It is not in dispute that the petitioner has approached the Learned District Munsif cum Judicial Magistrate, Vilathikulam, for returning of the said vehicle in Crl.M.P.No.2 of 2025 and the Learned Judicial Magistrate, vide Order, dated 08.01.2025, has dismissed the 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 police.

5. The Learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the owner of the vehicle and that the petitioner is not having any previous cases for similar offence and that the said vehicle was not involved in any other cases.

6. The Learned counsel appearing for the petitioner would submit that the vehicle bearing Reg.No.TN-96-K-3666, is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, that the vehicle is with the police for the past few months, that if the vehicle is kept in open place, the value of the said vehicle will get deteriorated and that therefore interim custody may be granted to the petitioner.

7. Considering the facts and circumstances of the case and also the fact that 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, this Court is inclined to allow the revision.



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8. Accordingly, this Criminal Revision Petition is allowed and the order, dated 08.01.2025 passed in Crl.M.P.No.2 of 2025 by the Learned District Munsif cum Judicial Magistrate, Vilathikulam, is hereby set aside and the vehicle/Yamaha Fascino bearing Reg.No.TN-96-K-3666, is ordered to be returned to the petitioner for interim custody subject to the confiscation proceeding to be taken on the followingfollowing conditions:-

(a) the petitioner shall execute a bond for a sum of **Rs.1,00,000/- (Rupees one Lakh only)**, with two sureties for a likesum to the satisfaction of the Learned District Munsif cum Judicial Magistrate, Vilathikulam;

(b) the petitioner shall deposit the original Registration Certificate of the vehicle before the Learned District Munsif cum Judicial Magistrate, Vilathikulam;

(c) the petitioner shall not alienate and shall not make any alteration in the vehicle;

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

(e) the petitioner shall give an undertaking before the respondent/authority concerned stating that he will not use the vehicle in



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question for any illegal activities in future, failing which the respondent/trial

Court is at liberty to confiscate the vehicle.

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NCC : Yes/No
Index : Yes/No
Internet : Yes/No
KSA

To:-

- 1.The District Munsif cum Judicial Magistrate Court,
Vilathikulam.
- 2.The Sub-Inspector of Police,
Kovilpatti P.E.W.,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

KSA

Order made in
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