



Crl.R.C.(MD)No.253 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.253 of 2025

M.Chellapandi

... Petitioner

Vs.

State rep.by
The Sub-Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
Crime No.76 of 2024.

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records relating to the case in Cr.M.P.No.2957 of 2024 on the file of the learned District Munsif cum Judicial Magistrate, Kadaladi, Ramanathapuram District, dated 07.08.2024 and to set aside the same and further direct the learned District Munsif cum Judicial Magistrate, Kadaladi, Ramanathapuram District to grant interim custody of the vehicle/Suzuki Fiero two wheeler bike bearing Reg.No.TN-59-R-2902 to the petitioner.

For Petitioner : Mr.B.Karunanithi

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side)



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ORDER

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The Criminal Revision is directed against the order passed in Cr.M.P.No.2957 of 2024 in Crime No.76 of 2024, on the file of the learned District Munsif cum Judicial Magistrate, Kadaladi, Ramanathapuram District, dismissing the petition filed under Section 457 r/w 451 of Cr.P.C.

2. The petitioner claims to be the owner of the vehicle/Suzuki Fiero two wheeler bearing Reg.No.TN-59-R-2902. On 03.07.2024, the respondent police seized the vehicle relating to the case in Crime No.76 of 2024 for the offences under Sections 296(b), 132, 351(3) of BNS and section 4(1)(j) of Tamil Nadu Prohibition Act.

3. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Kadaladi, Ramanathapuram District, for returning of the said vehicle in Crl.M.P.No.2957 of 2024 and the learned Judicial Magistrate, vide order dated 07.08.2024, has dismissed the 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 State.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the respondent police, after completing the investigation, has already filed the final report and the case was taken on file in C.C.No.189 of 2024 on the file of the District Munsif cum Judicial Magistrate, Kadaladi, Ramanathapuram District. He would further 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-59-R-2902, 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 eight 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.



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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.

8. Accordingly, this Criminal Revision Petition is allowed and the order, dated 07.08.2024 passed in Crl.M.P.No.2957 of 2024 by the learned District Munsif cum Judicial Magistrate, Kadaladi, Ramanathapuram District, is hereby set aside and the vehicle/Suzuki Fiero two wheeler bike bearing Reg.No.TN-59-R-2902, 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:-

(a) the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Kadaladi, Ramanathapuram District ;



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

(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 question for any illegal activities in future, failing which the respondent/trial Court is at liberty to confiscate the vehicle.

27.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

das

To

- 1.The District Munsif cum Judicial Magistrate,
Kadaladi, Ramanathapuram District.
- 2.The Sub-Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.R.C.(MD)No.253 of 2025

Dated: 27.02.2025