



Crl.R.C.(MD)No.179 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.179 of 2024

M.Prabhakaran

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Palamedu Police Station,
Madurai District.
Crime No.209 of 2023.

... Respondent

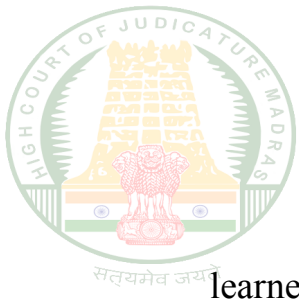
PRAYER : Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the impugned order of the learned Judicial Magistrate, Vadipatti, Madurai District in Crl.M.P. No.8302 of 2023, dated 21.12.2023 and set aside the same.

For Petitioner : Mr.A.Abdul Kabur

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

ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No.8302 of 2023 in Crime No.209 of 2023, on the file of the



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learned Judicial Magistrate, Vadipatti, dismissing the petition filed under Section 451 of Cr.P.C.

2. It is not in dispute that an unregistered vehicle/two wheeler (Yamaha -FZ-Metallic Black-Frame No.ME1RG66K3P0014070, Engine No.G3N3E0295923) came to be seized by the respondent police in connection with the case in Crime No.209 of 2023 for the offence under Section 392 of IPC.

3. It is not in dispute that the petitioner is the brother of the first accused in Crime No.209 of 2023. It is also not in dispute that after seizure of vehicle, the same was produced before the jurisdictional Court and the property came to be remanded in RPR.No.371 of 2023. Thereafter, the petitioner moved an application for return of vehicle on interim custody and the learned Magistrate, by mainly observing that the vehicle was not at all registered, dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



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4.The learned counsel for the petitioner would submit that the vehicle was hypothecated with the HDFC Bank Limited; that the petitioner undertakes to get the vehicle registered within 15 days from the date of receipt of the vehicle and also undertakes to produce the original RC book before the concerned Court.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the State.

6. 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.

7. The learned counsel appearing for the petitioner would submit that the vehicle/two wheeler (Yamaha -FZ-Metallic Black-Frame No.ME1RG66K3P0014070, Engine No.G3N3E0295923), is owned by the petitioner, that the said vehicle has no connection whatever with the



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alleged occurrence, that the vehicle is with the police for the one year, 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.

8.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.

9. Accordingly, this Criminal Revision Petition is allowed and the order, dated 21.12.2023 passed in Crl.M.P.No.8302 of 2023 by the learned Judicial Magistrate No.I, Vadipatti, is hereby set aside and the vehicle/two wheeler (Yamaha -FZ-Metallic Black-Frame No.ME1RG66K3P0014070, Engine No.G3N3E0295923), is ordered to be returned to the petitioner for interim custody subject to the following conditions:-



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(a) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate Vadipatti ;

(b) After receipt of the vehicle, the petitioner is directed to get the vehicle registered within a period of 15 days and then to produce the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Vadipatti ;

(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.

18.02.2025

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

das

To

- 1.The Judicial Magistrate, Vadipatti.
- 2.The Inspector of Police,
Palamedu Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.R.C.(MD)No.179 of 2024

Dated: 18.02.2025