



Crl.R.C.(MD)No.184 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.184 of 2025

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... Petitioner

Vs.

State rep.by
The Inspector of Police,
Kaliyakkavilai Police Station,
Kanniyakumari District.
Crime No.349 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.9419 of 2024 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District, dated 18.11.2024 in Crime No.349 of 2024 on the file of the respondent police and set aside the same.

For Petitioner : Mr.M.Suri

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

ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No.9419 of 2024 in Crime No.349 of 2024, on the file of the



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learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District, dismissing the petition filed under Section 497 r/w 503 of BNSS.

2. The petitioner claims to be the owner of the vehicle/Taurus Tipper Lorry bearing Reg.No.TN-75-AX-9689. On 21.10.2024, the respondent police intercepted the vehicle bearing Reg.No.TN-75-AX-9689 and seized the vehicle as the same was used for transporting of Jally illegally without any valid license or permit and registered a case in Crime No.349 of 2024 for the offences under Sections 335, 340(2), 303(2) and 318(4) of BNS.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari District, for returning of the said vehicle in Crl.M.P.No.9419 of 2024 and the learned Judicial Magistrate, vide order dated 18.11.2024, 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 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-75-AX-9689, 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 four 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 18.11.2024 passed in Crl.M.P.No.9419 of 2024 by the learned Judicial Magistrate No.I, Kuzhithurai, Kanniyakumari, is hereby set aside and the vehicle/Taurus Tipper Lorry bearing Reg.No.TN-75-AX-9689, 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 is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as non-refundable deposit for the said vehicle to the credit of the District Mineral Foundation Trust, Kanniyakumari District;

(b) the petitioner shall execute a bond for a sum of **Rs.10,00,000/- (Rupees Ten Lakhs only)**, with two sureties for a likesum to the



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satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai,
Kanniyakumari District;

(c) the petitioner shall deposit the original Registration Certificate
of the vehicle before the learned Judicial Magistrate, Kuzhithurai,
Kanniyakumari District ;

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

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

(f) 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.

14.02.2025

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

das

To

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

Order made in
Crl.R.C.(MD)No.184 of 2025

Dated: 14.02.2025