



Crl.R.C.(MD)No.213 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.213 of 2025

J.Rajeshkannan

... Petitioner

Vs.

State rep.by
The Sub-Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
Crime No.276 of 2024.

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records relating the order in Crl.M.P.No.4716 of 2024 on the file of the learned Judicial Magistrate No.VI, Madurai District, dated 14.11.2024 and set aside the same and further direct the learned Judicial Magistrate No.VI, Madurai District to grant interim custody of the vehicle TATA Ace SFC 407 bearing Reg.No.TN-74-AC-2111 to the petitioner.

For Petitioner : Mr.B.Sudha Sathyananth

For Respondent : Mrs.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 Cr.M.P.No.4716 of 2024 in Crime No.276 of 2024, on the file of the Judicial Magistrate No.VI, Madurai, dismissing the petition filed under Section 497 and 503 of BNSS.

2. The petitioner claims to be the owner of the vehicle/TATA Ace SFC 407 bearing Reg.No.TN-74-AC-2111. On 09.07.2024, the respondent police intercepted the vehicle bearing Reg.No.TN-74-AC-2111 and seized the vehicle as the same was used for transporting of gravel sold illegally without any valid license or permit and registered a case in Crime No.276 of 2024 for the offences under Sections 303(2), 326(a) of BNS and Section 21(5) of MMDR Act.

3. It is not in dispute that the petitioner has approached the Judicial Magistrate No.VI, Madurai, for returning of the said vehicle in Crl.M.P.No.4716 of 2024 and the learned Judicial Magistrate, vide order, dated 14.11.2024, 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 having one previous case for similar in nature 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-74-AC-2111, 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 seven 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



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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 14.11.2024 passed in Crl.M.P.No.4716 of 2024 by the Judicial Magistrate No.VI, Madurai, is hereby set aside and the vehicle/TATA Ace SFC 407 bearing Reg.No.TN-74-AC-2111, 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, Madurai District;

(b) the petitioner shall execute a bond for a sum of **Rs.2,00,000/- (Rupees Two Lakhs only)**, with two sureties for a likesum to the satisfaction of the Judicial Magistrate No.VI, Madurai;



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(c) the petitioner shall deposit the original Registration Certificate of the vehicle before the Judicial Magistrate No.VI, Madurai;

(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.

20.02.2025

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

das

To

- 1.The Judicial Magistrate No.VI, Madurai.
- 2.The Sub-Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.R.C.(MD)No.213 of 2025

Dated: 20.02.2025