

CRL RC(MD)No.252 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.252 of 2025

Gopinath

... Petitioner

Vs.

1.State of Tamilnadu,
Rep. by the Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
(Crime No. 180/2024)

2.C.Selvaraj

3.The General Manager,
Shriram Automall India, (SAMIL),
Vill Kallampatti,
Vinayagapuram,
Melur Taluk,
Madurai District.

... Respondents

*(R2 & R3 are impleaded as per the order of this Court
dated 03.04.2025 in Crl.MP.No.4511 of 2025 in
Crl.RC(MD)No.252 of 2025)*

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records relating to the order dated 29.11.2024 in Crl.M.P.No. 1174 of 2024 in Crime No. 180/2024 on the file of the learned Judicial Magistrate Court, Paramakudi, set aside the same and consequently direct the respondent herein to return the vehicle bearing



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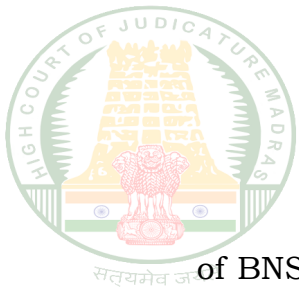
registration No. TN 49 AL 5441 (Tata Ace) to the petitioner for his interim custody.

For Petitioner : Mr.K.Rajiv Gandhi
For R-1 : Mr.M.Sakthi Kumar,
Government Advocate
(Criminal side)
For R-2 & R-3 : No appearance

ORDER

This Criminal Revision Petition is filed to call for the records relating to the order dated 29.11.2024 in CrI.M.P.No. 1174 of 2024 in Crime No. 180/2024 on the file of the learned Judicial Magistrate Court, Paramakudi, set aside the same and consequently direct the 1st respondent herein to return the vehicle bearing registration No. TN 49 AL 5441 (Tata Ace) to the petitioner for his interim custody.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the owner/purchaser of the vehicle, namely, registration No. TN 49 AL 5441-TATA ACE 2012 and the said vehicle as seized by the respondent police and made as a case property in crime No.180 of 2024 for the alleged offence punishable under Section 303(2)



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of BNS and 21(1) MMRD Act, and the said vehicle was produced before the learned Judicial Magistrate Court, Paramakudi, under PR.No.312 of 2024. Subsequently, the petitioner has filed a petition in CrI.M.P.No. 1174 of 2024 on the file of the learned Judicial Magistrate Court, Paramakudi, seeking interim custody of the aforesaid vehicle. However, the said application was dismissed by learned Judicial Magistrate, Paramakudi, vide order dated 29.11.2024.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 29.11.2024 made in CrI.M.P.No.1174 of 2024 on the file of the learned Judicial Magistrate, Paramakudi, and to set aside the same.

4. Heard the learned counsels on either side and carefully perused the materials available on record.

5. The learned Government Advocate (Criminal side) appearing for the 1st respondent, would fairly submit that the petitioner is the owner of the vehicle and he further categorically contended that this petition should not be allowed for the reason that the confiscation proceedings has already been initiated.



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6. The learned counsel appearing for the petitioner would submit that the petitioner purchased this vehicle from the 3rd respondent and the RC book stands in the name of the original owner, namely, Selvaraj. However, it is claimed by the petitioner that the vehicle was purchased by means of auction, due to the default committed by the original owner, which was conducted on 27.07.2024. However, the learned Trial Court dismissed the said application made by the petitioner for the reason that the vehicle stands in the name of Selvaraj and not in the name of the applicant. The petitioner has also produced the details of the acceptance of this offer in an auction conducted by Sriram Automobile India Limited, in lot No.48, with respect to the TATA ACE which is the subject matter of this case.

7. Considering the fact that there is no previous case as against the petitioner 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 and thereby setting aside the impugned order dated 29.11.2024 passed in Crl.M.P.No.1174 of 2024 by the learned Judicial Magistrate, Paramakudi.



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8. Accordingly, this Criminal Revision Case is allowed and the order dated 29.11.2024 passed in CrI.M.P.No.1174 of 2024 by the learned Judicial Magistrate, Paramakudi, is hereby set aside and the vehicle viz., TN 49 AL 5441-TATA ACE 2012 , 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 Aishwaryam Trust, Indian Bank, Tirunagar Branch, Madurai, Account No. 6639017788, IFSC Code: IDIB000T032;
- (b) the petitioner shall execute a bond for a sum of **Rs. 1,50,000/- (Rupees One Lakhs and Fifty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Paramakudi;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Paramakudi;
- (d) The petitioner shall give an undertaking before the respondent/ authority concerned stating that he will not use



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

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

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

18.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Judicial Magistrate,
Paramakudi.

2.The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

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