



Crl.R.C.(MD)No.294 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.294 of 2025

Raja Kumar

... Petitioner

Vs.

1.State of Tamil Nadu through
The Sub Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
(Crime No.19 of 2025)

2.Suseela

... Respondents

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records and set aside the order passed in Crl.M.P.No.170 of 2025 dated 19.02.2025 on the file of the Judicial Magistrate No.1, Kuzhithurai and allow the criminal revision petition.

For Petitioner : Mr.S.Sivakumar

For R1 : Mrs.M.Aasha
Government Advocate (Crl. Side)

For R2 : No appearance



Crl.R.C.(MD)No.294 of 2025

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ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.170 of 2025 dated 19.02.2025 on the file of the Judicial Magistrate No.1, Kuzhithurai, dismissing the petition filed under Section 497 B.N.S.S.

2. The petitioner claims to be the owner of Ashok Leyland Ltd Box Tipper bearing Registration No.TN-75-AT-7799. On 14.01.2025, the first respondent police has registered a case in Crime No.19 of 2025 for the offence under Section 303(2) BNS and seized five vehicles including the above said vehicle for the alleged transportation of jally without transit pass.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.1, Kuzhithurai, for returning of the said vehicle in Crl.M.P.No.170 of 2025 and the learned Judicial Magistrate, vide order dated 19.02.2025, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



Crl.R.C.(MD)/No.294 of 2025

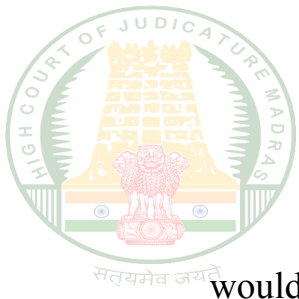
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4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the first respondent.

5. Counter affidavit filed by the first respondent police.

6. The main objection of the prosecution is that the second respondent has earlier filed a petition for anticipatory bail and in that petition, she has claimed that she is the owner of the vehicle but the petitioner has produced an affidavit sworn by the second respondent, wherein, she has stated that she had already sold the vehicle to the petitioner and she is not having any objections to release the vehicle in favour of the petitioner. Hence, this Court directed the first respondent police to verify the genuineness of the affidavit.

7. When the matter is taken up today, the learned Government Advocate (Criminal Side) appearing for the first respondent, on instructions, would submit that the second respondent has given the said affidavit stating that she has no objections for releasing the vehicle. She



Crl.R.C.(MD)/No.294 of 2025

WEB COPY

would further submit that the petitioner is the first accused in this case, that the petitioner is not having any previous cases, that the said vehicle was not involved in any other cases and that the value of the vehicle is about Rs.38 lakhs.

8. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-75-AT-7799 is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, 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. He would further submit that the vehicle was hypothecated with the IndusInd Bank Limited and is still pending and that the petitioner is ready to produce the original Registration Certificate along with the letter of the concerned finance company stating that they are aware of the present proceedings against the petitioner and entrusting of the Registration Certificate to the Court.

9. 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



Crl.R.C.(MD)No.294 of 2025

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keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 19.02.2025 passed in Crl.M.P.No.170 of 2025, by the learned Judicial Magistrate No.1, Kuzhithurai.

10. Accordingly, this Criminal Revision Case stands allowed and the order dated 19.02.2025 passed in Crl.M.P.No.170 of 2025 by the learned Judicial Magistrate No.1, Kuzhithurai, is hereby set aside and the vehicle/Ashok Leyland Ltd Box Tipper bearing Registration No.TN-75-AT-7799, 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, Kanyakumari District;
- (b) the petitioner shall execute a bond for a sum of **Rs.12,50,000/- (Rupees Twelve Lakhs and Fifty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial



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Crl.R.C.(MD)/No.294 of 2025

Magistrate No.1, Kuzhithurai;

- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.1, Kuzhithurai along with the letter of the concerned finance company stating that they are aware of the present proceedings against the petitioner and entrusting of the Registration Certificate to the Court;
- (d) 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;
- (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;

25.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Crl.R.C.(MD)No.294 of 2025

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- To
- 1.The Judicial Magistrate No.1,
Kuzhithurai.
 - 2.The Sub Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.R.C.(MD)No.294 of 2025

K.MURALI SHANKAR,J.

csn

Order made in
CrI.R.C.(MD)No.294 of 2025

Dated: 25.04.2025