



Crl.R.C.(MD)No.356 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.356 of 2025

Kumar

... Petitioner

Vs.

The State of Tamil Nadu represented by
The Inspector of Police,
Kailayakkavilai Police Station,
Kanyakumari District.
(Crime No.172 of 2023)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the entire records pertaining to the order passed by learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District in Crl.M.P.No.2169 of 2024 vide order dated 28.03.2024 and modify the condition imposed in condition Nos.1 & 7.

For Petitioner : Mr.D.Rajaboopathy

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)



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ORDER

The Criminal Revision is directed against the condition Nos.1 and 7 imposed in Crl.M.P.No.2169 of 2024 dated 28.03.2024 on the file of the Judicial Magistrate No.I, Kuzhithurai, wherein, the petitioner was directed to deposit Rs.2,00,000/- before the Court in Crime No.172 of 2023 and also to produce the vehicle before the Court on 1st working day of every month at 10.30 a.m. until further orders.

2. It is not in dispute that the vehicle bearing Registration No.TN-76-AU-2658 came to be seized in connection with Crime No.172 of 2023 for the alleged offences under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act and the said vehicle was produced before the concerned Court and the same came to be remanded in R.P.No.288 of 2023.

3. It is also not in dispute that the petitioner has moved an application for return of the vehicle on interim custody and that the learned Magistrate has passed an order dated 28.03.2024 imposing conditions which includes the impugned conditions.



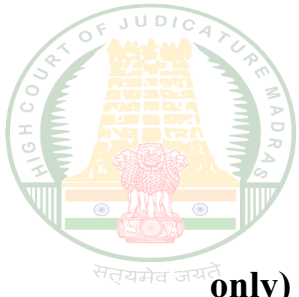
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4. The learned counsel appearing for the petitioner would submit that the petitioner has to take the vehicle to other State and hence, the condition directing the petitioner to produce the vehicle on 1st working day of every month may be modified. This Court is not in agreement with the said contention and the learned Magistrate has rightly imposed the condition that the petitioner has to produce the vehicle and as such, this Court is not inclined to modify the said condition.

5. With regard to the first condition, the learned Magistrate has directed the petitioner to deposit Rs.2 lakhs. Even according to the learned Government Advocate (Criminal Side), the value of the vehicle comes to Rs.15 lakhs. Hence, this Court is inclined to modify the said condition.

6. In the result, the Criminal Revision Case stands partly allowed. The order of the learned Judicial Magistrate No.I, Kuzhithurai, made in Cr.M.P.No.2169 of 2024, dated 28.03.2024 is modified in respect of the condition No.(i) alone and it is modified to the effect that the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand**



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only) as non-refundable deposit for the vehicle to the credit of the District Mineral Foundation Trust, Kanyakumari District and the petitioner shall execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai, and on compliance of the condition, the above Tipper Lorry vehicle bearing registration No.TN-76-AU-2658 shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Judicial Magistrate No.I, Kuzhithurai, shall remain unaltered. No costs.

20.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

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

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K.MURALI SHANKAR,J.

csn

Order made in
CrI.R.C.(MD)No.356 of 2025

Dated: 20.03.2025