



Crl.R.C.(MD)No.322 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.322 of 2025

Pandi

... Petitioner

Vs.

State of Tamil Nadu represented through
The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
(Crime No.403 of 2021)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 and 442 BNSS, to admit the revision petition on file and to call for the records relating to the order passed in Crl.M.P.No.6275 of 2024 on the file of the learned Judicial Magistrate No.6, Madurai dated 09.12.2024 and set aside the same as illegal and consequently direct the respondent to return the petitioner's TATA SFC 407/31 vehicle.

For Petitioner : Mr.S.Senthil Sankara Natha Kumar

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



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ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.6275 of 2024 dated 09.12.2024 on the file of the Judicial Magistrate No.6, Madurai, dismissing the petition filed under Sections 497 and 503 B.N.S.S.

2. The petitioner claims to be the owner of TATA SFC 407/31 four wheeler vehicle bearing Registration No.TN-75-B-3260. On 09.10.2021, the respondent police has registered a case in Crime No.403 of 2021 for the offences under Section 379 IPC and Section 21(3) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle for the alleged illegal transportation of 1 unit of stone.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.6, Madurai, for returning of the said vehicle in Crl.M.P.No.6275 of 2024 and the learned Judicial Magistrate, vide order dated 09.12.2024, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



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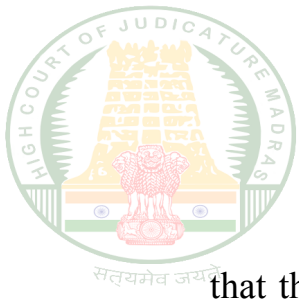
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4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that RC stands in the name of one Punitha and not in the name of the petitioner. He would further submit that the petitioner is an accused in this case, that the petitioner is having six previous cases and that the said vehicle was not involved in any other cases.

6. The learned counsel appearing for the petitioner would submit that the said Punitha is none other than the wife of the petitioner and she died on 15.05.2021 and since the vehicle was seized on 09.10.2021, the petitioner is not in a position to transfer the name. He would further submit that the petitioner undertakes to effect the name transfer within a stipulated time and produce the original RC book before the concerned Court.

7. The learned counsel appearing for the petitioner would submit



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that the vehicle bearing Registration No.TN-75-B-3260 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.

8. 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 and thereby setting aside the impugned order dated 09.12.2024 passed in Crl.M.P.No.6275 of 2024, by the learned Judicial Magistrate No.6, Madurai.

9. Accordingly, this Criminal Revision Case is allowed and the order dated 09.12.2024 passed in Crl.M.P.No.6275 of 2024 by the learned Judicial Magistrate No.6, Madurai, is hereby set aside and the vehicle/TATA SFC 407/31 four wheeler bearing Registration No.TN-75-B-3260, is ordered to be returned to the petitioner for interim custody



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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.75,000/- (Rupees Seventy Five Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.6, Madurai;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.6, Madurai within a period of 15 days from the date on which name transfer is made in favour of the petitioner;
- (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



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alteration in the vehicle;

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

14.03.2025

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

To

- 1.The Judicial Magistrate No.6,
Madurai.
- 2.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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Order made in
CrI.R.C.(MD)No.322 of 2025

Dated: 14.03.2025