



Crl.R.C.(MD)No.519 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.519 of 2025

Ashok Raja

... Petitioner

Vs.

The State of Tamil Nadu represented by
The Sub-Inspector of Police,
Thirupparakundram Police Station,
Madurai City.
(Crime No.292 of 2024)

... Respondent

PRAYER : Criminal Revision Case filed under Section 442 and 438 B.N.S.S., to set aside the impugned order dated 21.09.2024 passed in Crl.M.P.No.3730 of 2024 on the file of the learned Judicial Magistrate No.VI, Madurai and consecutively direct the respondent herein to release the vehicle in vehicle bearing no.TN-58-AU-6250 which is in the custody of the respondent from 14.06.2024.

For Petitioner : Mr.S.M.Ramasiva

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



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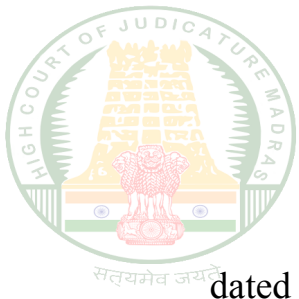
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ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.3730 of 2024 dated 21.09.2024 on the file of the Judicial Magistrate No.VI, Madurai, dismissing the petition filed under Section 503 and 497 B.N.S.S.

2. The petitioner claims to be the owner of FIGO Aspire car bearing Registration No.TN-58-AU-6250. On 14.06.2024, the respondent police has registered a case in Crime No.292 of 2024 for the offences under Section 328 IPC and Sections 6(a) and 24(1) of Cigarette and Other Tobacco Products Acts 2003 and seized two vehicles including the above said vehicle for the alleged illegal possession of banned tobacco products and the vehicle came to be produced before the concerned Court and the same came to be received and remanded in R.P.R.No.499 of 2024.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.VI, Madurai, for returning of the said vehicle in Crl.M.P.No.3730 of 2024 and the learned Judicial Magistrate, vide order



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dated 21.09.2024, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

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 the petitioner is the owner of the vehicle and is not an accused in this case, that the petitioner is not having any previous case for the similar offence and that the said vehicle was involved in one accident case. He would further submit that the value of the vehicle is worth about Rs.5 lakhs.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-58-AU-6250 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.



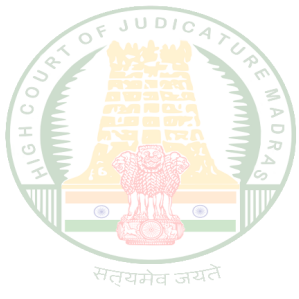
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7. Considering the facts and circumstances of the case and also the fact that if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 21.09.2024 passed in Crl.M.P.No.3730 of 2024, by the learned Judicial Magistrate No.VI, Madurai.

8. Accordingly, this Criminal Revision Case stands allowed and the order dated 21.09.2024 passed in Crl.M.P.No.3730 of 2024 by the learned Judicial Magistrate No.VI, Madurai, is hereby set aside and the vehicle/FIGO Aspire Car bearing Registration No.TN-58-AU-6250, 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 Government of Tamil Nadu Chief Minister's Public Relief Fund;



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- (b) the petitioner shall execute a bond for a sum of **Rs.2,50,000/-** (**Rupees Two Lakhs and Fifty Thousand only**), with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.VI, Madurai;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.VI, Madurai;
- (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;

24.04.2025

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

csn

To

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

Order made in
Crl.R.C.(MD)No.519 of 2025

Dated: 24.04.2025