



CRL RC(MD)No.373 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.373 of 2025

R.Aji Kumar

... Petitioner / Petitioner

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
(In Crime No.355 of 2024)

... Respondent / Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records and set aside the order in CrI.M.P.No.09 of 2025 passed by the District Munsif cum Judicial Magistrate, Boothapandy, dated 06.02.2025 and order interim custody of the vehicle bearing Registration No.KL19 P 1683 seized by the respondent on 24.09.2024 in crime No.355 of 2024 to the petitioner.

For Petitioner : M/s.S.Modharshini,

for Mr.S.Krishna Kumar

For Respondent : M/s.M.Aasha,
Government Advocate



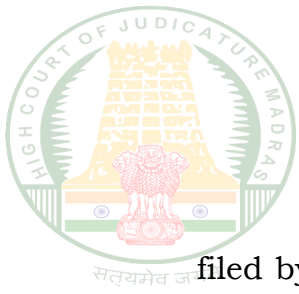
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ORDER

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This Criminal Revision Petition is filed to call for the records and set aside the order in CrI.M.P.No.09 of 2025 passed by the District Munsif cum Judicial Magistrate, Boothapandy, dated 06.02.2025, and the order of interim custody of the vehicle bearing Registration No.KL19 P 1683 seized by the respondent on 24.09.2024 in crime No.355 of 2024 to the petitioner.

2. The learned counsel appearing for the petitioner submitted that the property seized is the only livelihood for the petitioner and he is innocent and he had given the lorry in contract to a contractor for transporting materials. He hails from Kerala and without his knowledge, the contractor had indulged in transporting materials illegally. If the vehicle is allowed to remain in rain and shine, the same will be deteriorated causing heavy loss to the petitioner and hence the interim custody of the vehicle is of utmost importance to the petitioner and he is ready to comply with any condition which is likely to be imposed by this Court. The case of the prosecution that the materials were transported in the seized vehicle without a transit pass is not correct and the same has been duly admitted in para 3 of the counter affidavit



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filed by the respondent police itself that Jalli and the transit pass were seized from the vehicle by the police and pressed for allowing the criminal revision petition.

3. The learned Additional Public Prosecutor Mr.S.Ravi categorically contended that the petitioner is a habitual offender and as early as on 19.03.2024, the same vehicle was seized in crime No.33 of 2024, of Aralvoimozhi Police Station and later the same Trial Court ordered to release of the said vehicle in Crl.M.P.No.921 of 2024, dated 19.03.2024, directing the petitioner to file an undertaking affidavit undertaking that he will not use the vehicle in question for any illegal activities in future. Further, he was also directed to furnish surety on receiving the vehicle. However, within a span of six months again violating the undertaking given by him in Crl.M.P.No.921 of 2024 before the learned Judicial Magistrate, Boothapandy, the petitioner had used the vehicle for the commission of offense in crime No.355 of 2024 under Section 303 (2) of BNS. The petitioner is a Keralite and he is a habitual offender and the claim of the petitioner that there had been a transit pass is absolutely wrong for the reason that the transit pass itself is a forged document as certified by the Assistant Director of Mines and Minerals, Tirunelveli, vide proceedings in Na.ka.No. Minerals 2/442 of



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2024, dated 04.10.2024, and if this criminal revision case is allowed, that will give way for the petitioner to indulge in repeated offenses by transporting materials illegally from Kerala to Tamil Nadu and seriously objected for allowing this criminal revision petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and carefully perused the materials available on record.

5. 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 06.02.2025, passed in CrI.M.P.No.09 of 2025, by the learned District Munsif cum Judicial Magistrate, Boothapandy.

6. Accordingly, this Criminal Revision Case is allowed and the order dated 06.02.2025, passed in CrI.M.P.No.09 of 2025, by the learned District Munsif cum Judicial Magistrate, Boothapandy, is hereby set aside and the vehicle viz., Tipper Lorry bearing registration No. KL 19 P 1683, is ordered to be returned to the petitioner for interim

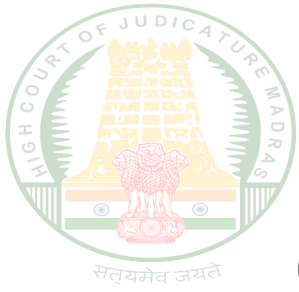


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custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

- (a) the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) as non-refundable deposit for the said vehicle to the credit of the RAY OF LIGHT FOUNDATION, Bank Name: HDFC BANK, A/c No:50100078904233, A/c Name: Ray of Light Foundation, Branch: HABIBULLAH ROAD, T NAGAR, CHENNAI, IFSC code: HDFC0001864;
- (b) the petitioner shall execute a bond for a sum of **Rs. 8,00,000/- (Rupees Eight Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Boothapandy;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned District Munsif cum Judicial Magistrate, Boothapandy;
- (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;



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(f) the petitioner shall produce the vehicle before the Court and
before the respondent police once in ten days;

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

To

- 1.The District Munsif cum Judicial Magistrate,
Boothapandy.
- 2.The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari 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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