



Crl.R.C.(MD)No.427 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.427 of 2025

Kalimuthu

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
Crime No.19 of 2025.

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records pertaining to the order, dated 26.02.2025 made in Cr.M.P.No.109 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Aathoor and set aside the same and consequently, direct the respondent police to handover the petitioner's Mahindra Goods Carrier Pickup vehicle bearing Reg.No.TN-57-CA-9626 to the petitioner.

For Petitioner : Mr.R.J.Karthick

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



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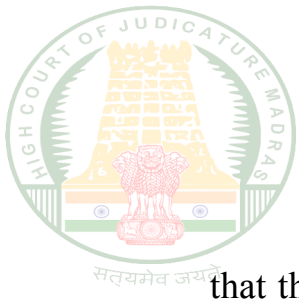
ORDER

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The Criminal Revision is directed against the order passed in Cr.M.P.No.109 of 2025 in Crime No.19 of 2024, on the file of the learned District Munsif cum Judicial Magistrate, Aathoor, dismissing the petition filed under Sections 497 r/w 503 (2) of BNSS.

2. It is not in dispute that the respondent police registered a case in Crime No.19 of 2025, against two persons, for the offence under Sections 296 (b), 132, 281, 125(a), 21(1), 351(3) of BNS and Section 3 of TNPPDL Act and in the said incident, the petitioner's vehicle caused damages to the two police vehicles bearing Reg.No.TN-57-AV-5245 and TN-57-G 0986 and that the respondent police seized the petitioner's vehicle/Mahindra Max Pick up bearing Reg.No.TN-57-CA-9626 and the same was produced before the concerned Magistrate in RPR.No.36 of 2025.

3.The petitioner claiming to be the owner of the vehicle has moved the application under Section 497 of BNSS, seeking interim custody. The learned Magistrate, considering the objections raised by the prosecution



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that the accused had restrained the police officials from proceeding with their work and caused criminal intimidation and that they had dashed against the two vehicles belonging to the police department and also as against the electric post, dismissed the petition.

4. The learned counsel for the petitioner would submit that this Court in Crl.O.P(MD)No.1913 of 2025, dated 05.02.2025, while granting bail to the accused directed them to deposit a sum of Rs.15,000/- each to the credit of Crime No.19 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Aathoor without prejudice to their rights.

5.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that since the accused by using the petitioner's vehicle had purposely and wantonly caused damages and they are having serious objections to release the vehicle.

6.The learned counsel appearing for the petitioner would submit that the petitioner is ready to deposit some portion of the amount taking note of the damages as admitted by the prosecution.



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7.The learned Government Advocate (Criminal Side) has produced the photographs and videographs and also the estimation for the damages, wherein it has been shown the damages to the tune of Rs.1,08,606/-. He would further submit that the petitioner is not an accused in this case and that he is not having any previous cases for similar offence and that the said vehicle also was not involved in any other cases.

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.

9. Accordingly, this Criminal Revision Petition is allowed and the order, dated 26.02.2025 passed in CrI.M.P.No.109 of 2025 by the learned District Munsif cum Judicial Magistrate, Aathoor, is hereby set aside and the vehicle/Mahindra Max Pick up bearing Reg.No.TN-57-CA-9626, is



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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.50,000/- (Rupees Fifty Thousand only)** before the District Munsif cum Judicial Magistrate Court, Aathoor, to the credit of Crime No.19 of 2025 on the file of the respondent police ;

(b) the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Aathoor ;

(c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned District Munsif cum Judicial Magistrate, Aathoor ;

(d) the petitioner shall not alienate and shall not make any alteration in the vehicle;

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



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(f) 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.

15.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The District Munsif cum Judicial Magistrate,
Aathoor.
- 2.The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.R.C.(MD)No.427 of 2025

Dated: 15.04.2025