



Crl.R.C.(MD)No.455 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.455 of 2025

Ammamuthu

: Petitioner

Vs.

State of Tamil Nadu rep.by
The Inspector of Police,
Srivaikundam Police Station,
Tuticorin. Crime No.2 of 2025.

: Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records made in Cr.M.P.No.279 of 2025 on the file of the learned Judicial Magistrate No.1, Srivaikundam, dated 21.02.2025 in Crime No.2 of 2025 on the file of the respondent Police.

For Petitioner : Mrs.S.Prabha

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

ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No.279 of 2025 in Crime No.2 of 2025, on the file of the learned



Crl.R.C.(MD)No.455 of 2025

WEB COPY

Judicial Magistrate No.1, Srivaikundam, dismissing the petition filed under Section 497 of BNSS.

2. It is not in dispute that the respondent police seized the vehicle Bharat Benz Lorry bearing Reg.No.TN-66-Y-9801, in connection with the case in Crime No.2 of 2025 on the file of the respondent Police for the offence under Sections 303(2) of BNS and 21(4) of MMDR Act. The respondent police, after recovery, has produced the vehicle before the jurisdictional Court and the same was received and remanded in P.R.No.20 of 2025. Thereafter, the petitioner moved an application before the Judicial Magistrate Court No.I, Srivaikundam, seeking interim custody of the vehicle and the learned Magistrate, vide impugned order, dated 21.02.2025 by observing that the vehicle was involved in earlier similar case and taking note of the objections raised by the prosecution, dismissed the petition.

3.The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioner is having 12 cases out of which, five cases are pending for the offence under MMDR Act; that the vehicle was earlier involved in a case registered in Crime No.165 of 2024 and the same is pending on the same respondent police.



Crl.R.C.(MD)No.455 of 2025

WEB COPY

4.The learned counsel appearing for the petitioner would submit that the vehicle in dispute was earlier involved in Crime No.165 of 2024 and the petitioner has filed an application before the learned Judicial Magistrate, seeking interim custody of the vehicle and the learned Magistrate, vide order, dated 01.08.2024 granted interim custody by imposing conditions and that after complying with the conditions, the petitioner has taken delivery of the vehicle.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the State.

6.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.

7. Accordingly, this Criminal Revision Petition is allowed and the order, dated 21.02.2025 passed in Cr.M.P.No.279 of 2025 by the learned



Crl.R.C.(MD)No.455 of 2025

WEB COPY

Judicial Magistrate No.I, Srivaikundam, is hereby set aside and the vehicle Bharat Benz Lorry bearing Reg.No.TN-66-Y-9801, 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.50,000/- (Rupees Fifty Thousand only)** as non-refundable deposit for the said vehicle to the credit of the District Mineral Foundation Trust, Tuticorin District;

(b) the petitioner shall execute a bond for a sum of **Rs.12,00,000/- (Rupees Twelve Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Srivaikundam ;

(c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.I, Srivaikundam ;

(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;

(f) the petitioner shall give an undertaking before the respondent/authority concerned stating that he will not use the vehicle in



Crl.R.C.(MD)No.455 of 2025

question for any illegal activities in future, failing which the respondent/trial

Court is at liberty to confiscate the vehicle.

24.04.2025

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

To

1.The Judicial Magistrate No.I, Srivaikundam.

2.The Inspector of Police,
Srivaikundam Police Station,
Tuticorin.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD)No.455 of 2025

K.MURALI SHANKAR,J.

das

Order made in
Crl.R.C.(MD)No.455 of 2025

Dated: 24.04.2025