



Crl.R.C.(MD)No.464 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.464 of 2025

Balamurugan

... Petitioner

Vs.

State rep.by
The Inspector of Police,
TIW-II Police Station,
Madurai City, Madurai.
Crime No.225 of 2024

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records pertaining to the order passed in Cr.M.P.No.104 of 2025 in Crime No.225 of 2024, dated 11.03.2025 on the file of the learned Judicial Magistrate No.IV, Madurai and set aside the same.

For Petitioner : Mr.S.Vikram

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.104 of 2025 in Crime No.225 of 2024, on the file of the learned Judicial Magistrate No.IV, Madura, dismissing the petition filed under Section 497 and 503 of BNSS.

2. It is not in dispute that the respondent police has seized the vehicle/Honda Activa two wheeler bearing Registration No.TN-11-7360 in connection with the case in Crime No.225 of 2024 on the file of the respondent police for the offence under Sections 281 and 106(1) of BNS and the said property is yet to be remanded.

3. It is not in dispute that the petitioner has moved an application before the jurisdictional Court seeking interim custody of the vehicle in Cr.M.P.No.104 of 2025 and the learned Judicial Magistrate, vide order, dated 11.03.2025, has dismissed the petition and the only reason assigned for dismissing the petition is that the petitioner was not having original documents with regard to the vehicle. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



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4. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that the petitioner is the RC owner and he has also produced the copy of the RC along with present petition and also produced the original RC Book for comparison before the Government Advocate (Criminal Side).

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the insurance also stand in the name of the petitioner. He would raise objections that the rider of the vehicle is not having valid license and the petitioner, who was travelling as pillion rider, has allowed the person without license to ride the vehicle and caused accident.

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

7. Except the above, the learned Magistrate has not assigned any other valid reason for dismissing the petition.



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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 11.03.2025 passed in Cr.M.P.No.104 of 2024 by the learned Judicial Magistrate No.IV, Madurai, is hereby set aside and the vehicle/Honda Activa two wheeler bearing Registration No.TN-11-7360, 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 shall execute a bond for a sum of **Rs.30,000/- (Rupees Thirty Thousand only)**, with two sureties for a likesum to the satisfaction of the Judicial Magistrate No. IV, Madurai ;

(b) the petitioner shall deposit the original Registration Certificate of the vehicle before the Judicial Magistrate No. IV, Madurai ;



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

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

(e) 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.

09.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The Judicial MagistrateNo. IV, Madurai.

2.The Inspector of Police,
TIW-II Police Station,
Madurai City, Madurai.

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

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K.MURALI SHANKAR,J.

DAS

Order made in
CrI.R.C.(MD)No.464 of 2025

Dated: 09.04.2025