



Crl.R.C.(MD)No.490 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.490 of 2025

T.Balan

... Petitioner

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai,
Kanyakumari District.
(Crime No.105 of 2024)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records and set aside the order passed in Crl.M.P.No.5077 of 2024 dated 17.02.2025 on the file of the Learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District pertaining to Crime No.105/2024 on the file of the Respondent police and consequently direct the respondent to grant the interim custody of the petitioner's vehicle (Lorry) bearing Registration No.TN-86-H-5996 (TATA INTIRA V50 PICKUP) to the petitioner.

For Petitioner : Mr.B.Micheal Sebastin

For Respondent : Mr.S.S.Manoj
Government Advocate (Crl. Side)



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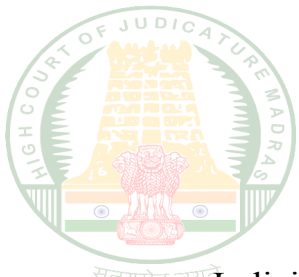
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ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.5077 of 2024 in Crime No.105 of 2024 dated 17.02.2025 on the file of the Judicial Magistrate No.III, Nagercoil, Kanyakumari District, dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the TATA INTIRA V50 PICKUP bearing Registration No.TN-86-H-5996. The respondent police has registered a case in Crime No.105 of 2024 for the offences under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of EC Act, 1955 and seized the above said vehicle for the alleged illegal transportation of rice bags and the same was produced before the concerned Court and the same came to be remanded and the same is under the custody of the respondent police.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District, for returning of the said vehicle in Crl.M.P.No.5077 of 2024 and the learned



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Judicial Magistrate, vide order dated 17.02.2025, 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 he is not the accused in this case .

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-86-H-5996 is owned by the petitioner and he was not involved in any such offence as alleged by the respondent and if the vehicle is kept in open place, the vehicle will get deteriorated and the value of the vehicle would automatically stand diminished 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 17.02.2025 passed in Crl.M.P.No.5077 of 2024, by the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 17.02.2025 passed in Crl.M.P.No.5077 of 2024 by the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District, is hereby set aside and the vehicle/ TATA INTIRA V50 PICKUP bearing Registration No.TN-86-H-5996, 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.1,00,000/-**
(Rupees One Lakh only) as non-refundable deposit for the



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said vehicle to the credit of the MANOLAYA, Bank Name: INDIAN OVERSEAS BANK, A/c No:025302000000284, A/c Name: MANOLAYA, Branch: Kottaram, IFSC code: IOBA0000253;

- (b) the petitioner shall execute a bond for a sum of **Rs.4,75,000/- (Rupees Four Lakhs and Seventy Five Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District ;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District ;
- (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 on first working day of every English Calendar month until further orders;

11.07.2025

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

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To

- 1.The Judicial Magistrate No.III,
Nagercoil, Kanyakumari District.
- 2.The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai,
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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Order made in
CrI.R.C.(MD)No.490 of 2025

Dated: 11.07.2025