



CRL RC(MD)No.645 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 09.07.2025**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**CRL RC(MD)No.645 of 2025**

Ashok Kumar

... Petitioner / Petitioner /  
Owner of the Property

Vs.

1.The State of Tamil Nadu,  
Rep. by the Inspector of Police,  
Virudhunagar West Police Station,  
Virudhunagar District.  
(Crime No.173/2023)

... Respondent /  
Respondent / Complainant

2.S.Ganesan

... 2<sup>nd</sup> respondent

*(R-2 is impleaded as per the order of this Court dated  
19.06.2025 made in CrI.M.P.(MD)No.7687 of 2025 in  
CrI.RC(MD)No.645 of 2025)*

**PRAYER:** Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records in order of the Judicial Magistrate No. I, Virudhunagar, Virudhunagar District in Cr.M.P.No. 746/2024 by order dated 29.02.2024 and set aside the same and grant interim custody of the Royal Enfield two wheeler bearing Registration No.TN67 BM 8010 to the petitioner.

For Petitioner : Mr.S.Ramasamy

For R-1 : Mr.S.Ravi,  
Additional Public Prosecutor

For R-2 : Mr.M.Sankar



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**ORDER**

Challenging the order passed by the learned Judicial Magistrate No. I, Virudhunagar, Virudhunagar District in Cr.M.P.No. 746/2024 by order dated 29.02.2024, seeking return of the Royal Enfield two wheeler bearing Registration No.TN67 BM 8010 to the petitioner, this Criminal Revision Case is filed.

2. The case of the prosecution is that one S.Ganesan has given a complaint against the petitioner's wife stating that he is running a Cell Phone shop in the name of Arunai Cell Com at Virudhunagar where the petitioner's wife Aarthi Lakshmi who is accused in this case was working as a cashier, stolen a gold ring of 1 sovereign in the month of October 2022, stolen an amount of Rs.20,000/- from his shop and she had misappropriated an amount of Rs.6,43,421/- in the month of April 2023. In connection to the same, the respondent police registered a case for the offences under Section u/s. 381, 408 and 477 A IPC and seized the petitioner's vehicle, i.e., Royal Enfield two wheeler bearing Registration No.TN67 BM 8010. The petitioner filed an application in CrI.M.P.No.746 of 2024 for return of the property before the learned Judicial Magistrate No. I, Virudhunagar, Virudhunagar District. The



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said application was dismissed, vide order dated 29.02.2024.

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3. The petitioner preferred the Criminal Revision Petition as against the order dated 29.02.2024 made in CrI.M.P.No.746 of 2024 on the file of the learned Judicial Magistrate No. I, Virudhunagar, Virudhunagar District and to set aside the same.

4. Heard the learned counsels on either sides and carefully perused the materials available on record.

5. The learned Government Advocate (Crl. side) appearing for the respondent would submit that the petitioner is the owner of the vehicle and the accused in this case and the said vehicle was not involved in any other cases.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No. TN67 BM 8010 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 therefore interim custody may be granted to the



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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 29.02.2024 passed in CrI.M.P.No.746 of 2024 by the learned Judicial Magistrate No. I, Virudhunagar, Virudhunagar District.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 29.02.2024 passed in CrI.M.P.No.746 of 2024 by the learned Judicial Magistrate No. I, Virudhunagar, Virudhunagar District, is hereby set aside and the vehicle viz., Royal Enfield two wheeler bearing Registration No.TN67 BM 8010, 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.25,000/- (Rupees Twenty Five Thousand only)** as non-refundable deposit for the said vehicle to the credit of the Manolaya, Indian Overseas Bank, Kottaram Branch, Account No.



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025302000000284, IFSC Code: IOBA0000253;

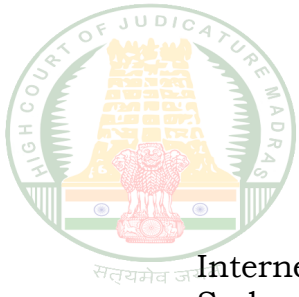
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- (b) the petitioner shall execute a bond for a sum of **Rs.75,000/- (Rupees Seventy Five Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No. I, Virudhunagar, Virudhunagar District;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No. I, Virudhunagar, Virudhunagar 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 till CrI.M.P.No.746 of 2024 on the file of the learned Judicial Magistrate No. I, Virudhunagar, Virudhunagar District, attains finality;
- (f) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required.

**09.07.2025**

NCC : Yes / No  
Index : Yes / No

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Internet : Yes

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To

- 1.The Judicial Magistrate No. I,  
Virudhunagar,  
Virudhunagar District.
- 2.The Inspector of Police,  
Virudhunagar West Police Station,  
Virudhunagar District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**L.VICTORIA GOWRI, J.,**

Sml

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