



CRL RC(MD)No.618 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.618 of 2025

Malarvizhi

... Petitioner / Petitioner

Vs.

State of Tamil Nadu,
Rep. by the Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
(Crime No.310 of 2024)

... Respondent / Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the order dated 22.03.2025 made in Cr.M.P.No. 4954 of 2024 on the file of the District Munsif cum Judicial Magistrate, Papanasam, and set aside the order and direct the respondent herein to grant the interim custody of the vehicle viz., Bajaj Pulsar Bearing Registration No.TN68-AJ-1127 which has been seized by the respondent herein in Crime No.310 of 2024.

For Petitioner : Mr.K.M.Karunakaran

For Respondent : Mr.S.S.Manoj,
Government Advocate (Criminal)



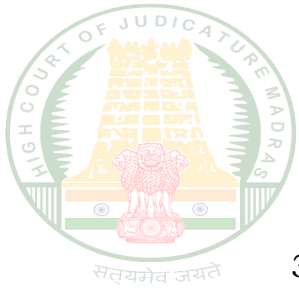
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ORDER

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This Criminal Revision Petition is filed to call for the records pertaining to the order dated 22.03.2025 made in Cr.M.P.No. 4954 of 2024 on the file of the District Munsif cum Judicial Magistrate, Papanasam, and set aside the order and direct the respondent herein to grant the interim custody of the vehicle viz., Bajaj Pulsar Bearing Registration No.TN68-AJ-1127 which has been seized by the respondent herein in Crime No.310 of 2024.

2. The prosecution of the case is that the de-facto complainant, namely, Sakthivel, who is the Special Sub-Inspector of Police had preferred a complaint before the respondent police against the petitioner and another. He alleged that on 29.02.2024 at about 01.00hrs., the respondent police conducted a raid at Vanniyakudi Kudamuratti River bed. At the time, the respondent police stopped the Two-Wheeler Bajaj Pulsar and found four gunny bags of river sand without any proper valid license. The accused person was run away from the occurrence place. Hence, the respondent police seized the above vehicle with sand. On the basis of the complaint, the case was registered by the respondent police in Cr.No.310 of 2024 on 05.03.2024.



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3. It is submitted that the petitioner is the owner of the said vehicle. The petitioner filed an application seeking for the return of vehicle viz., Bajaj Pulsar Bearing Registration No.TN68-AJ-1127 before the Learned District Munsif cum Judicial Magistrate, Papanasam in Cr.M.P.No.4954 of 2024, and the same was dismissed on 22.03.2025. 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 the accused in this case and the said vehicle was not involved in any other cases. He would further submit that the value of the vehicle is worth about Rs.83,000/- (Rupees Eighty Three Thousand only).

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN68-AJ-1127 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



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deteriorated and the value of the vehicle would automatically stand diminished and that therefore interim custody may be granted to the petitioner.

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 22.03.2025 made in Cr.M.P.No. 4954 of 2024 by the learned District Munsif cum Judicial Magistrate, Papanasam.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 22.03.2025 made in Cr.M.P.No. 4954 of 2024 by the learned District Munsif cum Judicial Magistrate, Papanasam, is hereby set aside and the vehicle viz., Bajaj Pulsar Bearing Registration No.TN68-AJ-1127, 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 Aishwaryam



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Trust, Indian Bank, Tirunagar Branch, Madurai, Account No. 6639017788, IFSC Code: IDIB000T032;

- (b) the petitioner shall execute a bond for a sum of **Rs.41,500/- (Rupees Forty Thousand and Five Hundred only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Papanasam;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned District Munsif cum Judicial Magistrate, Papanasam;
- (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;
- (f) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

05.06.2025

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

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- To
- 1.The District Munsif cum Judicial Magistrate,
Papanasam.
 - 2.The Inspector of Police,
Kabisthalam Police Station,
Thanjavur 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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