



Crl.R.C.(MD)No.622 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.622 of 2025

Arunachalam

... Petitioner

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
(Crime No.154 of 2025)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records pertaining to the order in Cr.M.P.No. 689/2025 dated 05.05.2025 passed by the Judicial Magistrate No.I, Srivaikundam, Thoothukudi District and quash the same by allowing the Criminal Revision Petition.

For Petitioner : Mr.C.Venkatesh

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.689 of 2025 in Crime No.154 of 2025 dated 05.05.2025 on



Crl.R.C.(MD)No.622 of 2025

WEB COPY

the file of the Judicial Magistrate No.I, Srivaikundam, Thoothukudi District, dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the four wheeler TATA Magic Express 9+D BSVI bearing Registration No.TN69BP3934. The respondent police has registered a case in Crime No.154 of 2025 for the offences under Sections 132 BNS and 24(1) of COTPA Act on 27.03.2025 and seized the above said vehicle for the alleged illegal transportation of Ganesh 107 - 110 Tobacco pockets, Cool lip -50 pockets, Vimal Pan Masala – 100 pockets and V1 Tobacco – 100 pockets and the same was produced before the concerned Court and the same came to be remanded in PR.No.85 of 2025 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.I, Srivaikundam, for returning of the said vehicle in Crl.M.P.No.689 of 2025 and the learned Judicial Magistrate, vide order dated 05.05.2025, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



Crl.R.C.(MD)/No.622 of 2025

WEB COPY

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.6.5 lakhs.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No. TN69BP3934 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.

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



Crl.R.C.(MD)/No.622 of 2025

WEB COPY

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 05.05.2025 passed in Crl.M.P.No.689 of 2025, by the learned Judicial Magistrate No.I, Srivaikundam, Thoothukudi District.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 05.05.2025 passed in Crl.M.P.No.689 of 2025 by the learned Judicial Magistrate No.I, Srivaikundam, Thoothukudi District, is hereby set aside and the vehicle/ TATA Magic Express 9+D BSVI bearing Registration No. TN69BP3934, 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 Trust, Indian Bank, Tirunagar Branch, Madurai, Account No. 6639017788, IFSC Code: IDIB000T032;
- (b) the petitioner shall execute a bond for a sum of **Rs.3,00,000/-**



WEB COPY



Crl.R.C.(MD)No.622 of 2025

(Rupees Three Lakhs only), with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Srivaikundam, Thoothukudi District;

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

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

06.06.2025

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



WEB COPY



Crl.R.C.(MD)No.622 of 2025

L.VICTORIA GOWRI ,J.

gbg

To

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

Order made in
Crl.R.C.(MD)No.622 of 2025

Dated: 06.06.2025