



Crl.R.C.(MD)No.642 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.642 of 2025

Silambarasan

... Petitioner

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Rajathani Police Station,
(Crime No.79 of 2025)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records relating to the order, dated 27.05.2025 made in Crl.M.P.No.882 of 2025 on the file of the learned Judicial Magistrate Court, Aundipatti and set aside the same by allowing this criminal revision case.

For Petitioner : Mr.J.Senthil Kumaraiah

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

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.882 of 2025 in Crime No.79 of 2025 dated 27.05.2025 on



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the file of the Judicial Magistrate Court, Aundipatti, dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the bullock cart. The respondent police has registered a case in Crime No.79 of 2025 for the offences under Sections 303(2) of BNS and 21(4) of MMDR Act and seized the above said vehicle. The said vehicle is under the custody of the respondent police.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Aundipatti, for returning of the said vehicle in Crl.M.P.No.882 of 2025 and the learned Judicial Magistrate, vide order dated 27.05.2025, 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.



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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.

6. The learned counsel appearing for the petitioner would submit that the vehicle 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 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 27.05.2025 passed in Crl.M.P.No.882 of 2025, by the learned Judicial Magistrate, Aundipatti.



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8. Accordingly, this Criminal Revision Case is allowed and the order dated 27.05.2025 passed in Crl.M.P.No.882 of 2025 by the learned Judicial Magistrate, Aundipatti, is hereby set aside and the vehicle/ bullock cart, 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.25,000/- (Rupees Twenty Five Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate Aundipatti;
- (b) 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;
- (c) the petitioner shall not alienate and shall not make any alteration in the vehicle;



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

11.06.2025

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

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To

- 1.The Judicial Magistrate,
Aundipatti.
- 2.The Inspector of Police,
Rajathani Police Station.
- 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
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