

CRL RC(MD)No.767 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.767 of 2025

Sathiyavani

... Petitioner / Petitioner

Vs.

The State of Tamil Nadu,
represented by,
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(Crime No.66 of 2025)

... Respondent / Complainant

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the entire records pertaining to the order passed by the learned Judicial Magistrate Court, Thiruvaiyaru, Thanjavur District, to return the petitioner's Two wheeler bearing Reg. No.TN 48 CL 8902 kept in the custody of the above said Judicial Magistrate Court in connection with the case in Crime No.66 of 2025 on the file of the respondent police.

For Petitioner : Mr.D.Rajaboopathy

For Respondent : Mr.S.S.Manoj,
Government Advocate



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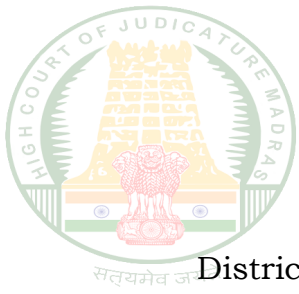
ORDER

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This Criminal Revision Petition is filed to call for the entire records pertaining to the order passed by the learned Judicial Magistrate Court, Thiruvaiyaru, Thanjavur District, to return the petitioner's Two wheeler bearing Reg. No.TN 48 CL 8902 kept in the custody of the above said Judicial Magistrate Court in connection with the case in Crime No.66 of 2025 on the file of the respondent police.

2. The learned counsel for the petitioner submitted that the vehicle was seized by the respondent police on 02.04.2025 for illegally kept 20 bottles of 180 ml liquor in his possession and the respondent police registered a case in crime No.66 of 2025 u/s 4(1) ©, 4 (1A), 4(1)(A) of Transport Act. The petitioner filed an application in CrI.M.P.No.119 of 2025 u/s 497 & 503 of BNSS Act for return of the property. The said application was dismissed by the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District, vide order dated 22.04.2025.

3. The petitioner preferred the Criminal Revision Petition as against the order dated 22.04.2025 made in CrI.M.P. No.119 of 2025 on the file of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur



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District and to set aside the same.

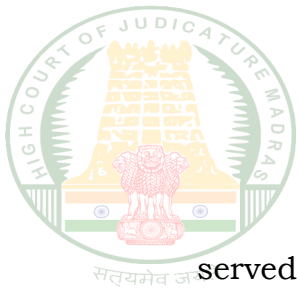
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4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent and carefully perused the materials available on record.

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. TN 48 CL 8902 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 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



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served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 22.04.2025 passed in CrI.M.P.No.119 of 2025 by the learned Judicial Magistrate Court, Thiruvaiyaru, Thanjavur District.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 22.04.2025 passed in CrI.M.P.No.119 of 2025 by the learned Judicial Magistrate Court, Thiruvaiyaru, Thanjavur District, is hereby set aside and the vehicle viz., Two wheeler bearing Reg. No.TN 48 CL 8902, 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.20,000/- (Rupees Twenty 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.75,000/- (Rupees Seventy Five Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate Court, Thiruvaiyaru, Thanjavur District;
- (c) the petitioner shall deposit the original Registration Certificate



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of the vehicle before the learned Judicial Magistrate Court,
Thiruvaiyaru, Thanjavur 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;

01.07.2025

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

1.The Judicial Magistrate Court,
Thiruvaiyaru,
Thanjavur District.

2.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur 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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