



CRL RC(MD)Nos.775 and 777 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)Nos.775 and 777 of 2023

and

Crl MP(MD)No.10546 of 2023

Anto Vinu

... Petitioner in both cases

Vs.

1.State Represented through,
the Sub Inspector of Police,
Thuckalay Police Station,
Kanyakumari District
(Crime No.96 of 2023).

2.Annamal Lizy Thomas ... Respondents in both cases
(R2 is *suo motu* impleaded as per
order of this Court dated 24.06.2025,
in Crl.R.C.(MD)No.777 of 2023 by LVGJ)

COMMON PRAYER: Criminal Revision Petitions are filed under Section 397 r/w 401 of Cr.P.C., to call for the records from the lower Court and set aside the order passed in Crl.M.P.Nos.5385 and 5870 of 2023 dated 11.05.2023, on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District and consequently return back the MG Hector Plus bearing registration No.TN-75-AT-7337 to the revision petitioner.



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For Petitioner : Mr.V.Kathirvelu, Senior Counsel

For Mr.K.Prabhu

For 1st Respondent : Mr.S.Ravi,
Additional Public Prosecutor

For 2nd Respondent : Mr.K.Stalin

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COMMON ORDER

Challenging the order passed in CrI.M.P.Nos.5385 and 5870 of 2023 dated 11.05.2023, on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District, these Criminal Revision Cases are filed.

2.The case of the prosecution is that a case in Crime No.96 of 2023 was registered by the first respondent Police on the complaint of the second respondent, alleging that the petitioner/A2 herein, has forged her signature and transferred the vehicle MG Hector Plus Car bearing registration No.TN-75-AT-7337 in his name. Following which, the vehicle was seized by the first respondent police. Two Criminal Miscellaneous Petitions were filed in CrI.M.P.No.5385 of 2023, by the second respondent and CrI.M.P.No.5870 of 2023 by the petitioner/A2 herein before the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District. The learned Trial Court has passed an order, allowing CrI.M.P.No.5385 of 2023 and dismissing CrI.M.P.No.5870 of



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2023, and thereby granting interim custody to the defacto complainant, who is the second respondent herein on condition that the sureties should be given within a period of three weeks from the order dated 11.05.2023. Even after the lapse of two years, the said order was not executed and sureties were not duly produced and interim custody of the vehicle was not taken by the second respondent herein. In the meanwhile, these Criminal Revision Cases were filed by the petitioner/A2, seeking interim custody of the vehicle.

3.The learned Senior Counsel appearing for the petitioner categorically submitted that though FIR has been registered as against the petitioner herein, who is arrayed as A2 in Crime No.96 of 2023, on the complaint made by the second respondent, the factum of whether the petitioner/A2 herein has actually forged the signature is the matter under investigation and finality is not yet arrived and under such circumstances, since the defacto complainant herself has not turned up for taking up the interim custody of the vehicle, the same shall very well be handed over as an interim measure to the petitioner herein. Considering the fact that the vehicle, which is of value about Rs. 25,00,000/-, is being exposed to rain and shine causing the same to deteriorate, he pressed for allowing Revision Case.



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4.However, since the second respondent did not appear despite receiving notice, this Court directed the learned Additional Public Prosecutor to require the first respondent Police to intimate the pendency of the case to the second respondent and produce her before this Court and she is duly produced before this Court today. The second respondent submitted that she had difficult financial condition for the past two years and she was not able to take the interim custody of the vehicle. Now she is ready to arrange sureties within a period of three weeks and hence, the interim custody of the vehicle may be handed over to her in terms of the learned Judicial Magistrate No.I, Padmanabhapuram, in CrI.M.P.No.5385 of 2023.

5.The learned Additional Public Prosecutor appearing for the first respondent however, submitted that the case before the learned Trial Court is pending in the stage, that the sample signatures has been sent for expert opinion.

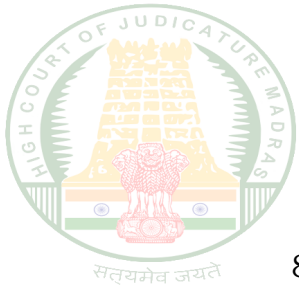
6.Heard the learned counsels on either side and carefully perused the materials available on record.



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7. Since the defacto complainant, that is, the second respondent herein appeared before this Court and had expressed willingness to take interim custody of the vehicle and taking into view that the expert opinion is yet awaited, this Court is of the considered view that the order passed by the learned Judicial Magistrate No.I, Padmanabhapuram, in CrI.M.P.No.5870 of 2023 is confirmed and the first condition imposed by the learned Trial Court alone is modified to that effect that the second respondent should take interim custody of the vehicle by producing proper sureties as directed by the learned Trial Court on or before 24.07.2025. It is made clear that if she fails to take the custody of the vehicle on or before 24.07.2024, the interim custody of the vehicle shall be handed over to the petitioner herein on the same condition imposed by the learned Trial Court in the impugned order. The other conditions imposed by the learned Trial Court shall remain unaltered. The first respondent is directed to complete the investigation as expeditiously as possible.



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8. Accordingly, the Criminal Revision Cases are allowed as modified as above. No Costs. Consequently, connected miscellaneous petition is closed.

24.06.2025

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

Note : Issue order copy on **08.07.2025**.

To

1. The Judicial Magistrate No.I,
Padmanabhapuram, Kanyakumari District.
2. The Sub Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

Mrn

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