



CRL RC(MD)No.792 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.792 of 2025

Mathavan

... Petitioner / Petitioner

Vs.

State of Tamil Nadu,
Rep. by the Sub-Inspector of
Police,
Karaikudi South Police Station,
Karaikudi,
Sivagangai District.
(In Crime No.201 of 2025)

... Respondent / Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records relating to the order passed in CrI.M.P.No.1093 of 2025 on the file of the learned Judicial Magistrate, Karaikudi, dated 04.06.2025 and set aside the same.

For Petitioner : Mr.C.Jeya Prakash

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

ORDER

This Criminal Revision Petition is filed to call for the records relating to the order passed in CrI.M.P.No.1093 of 2025 on the file of the



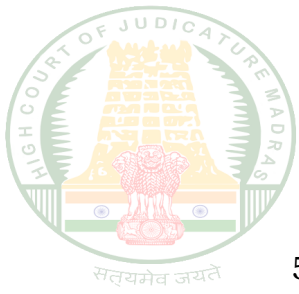
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learned Judicial Magistrate, Karaikudi, dated 04.06.2025 and set aside the same.

2. The case of the prosecution is that the petition mentioned vehicle bearing Registration No.TN-63 CW-8512 was seized by the respondent police on the allegation that it was used for transporting liquor illegally. Subsequently, the petitioner filed CRL.M.P.No.1093 of 2025 seeking interim custody and release of the aforesaid vehicle before the learned Judicial Magistrate, Karaikudi, and the same was dismissed on 04.06.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 04.06.2025 made in CRL.M.P.No.1093 of 2025 on the file of the learned Judicial Magistrate, Karaikudi, and to set aside the same.

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

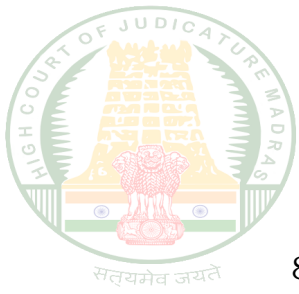


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5. The learned Government Advocate (Criminal side) appearing for the respondent Mr.S.S.Manoj, would fairly submit that the petitioner is the owner of the vehicle and he further categorically contended that this petition should not be allowed for the reason that the petitioner is a repeater offender and the confiscation proceedings has already been initiated.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No. TN-63 CW-8512 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 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 04.06.2025 passed in CrI.M.P.No. 1093 of 2025 by the learned Judicial Magistrate, Karaikudi.



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8. Accordingly, this Criminal Revision Case is allowed and the order dated 04.06.2025 passed in CrI.M.P.No. 1093 of 2025 by the learned Judicial Magistrate, Karaikudi, is hereby set aside and the vehicle viz., Auto-rickshaw bearing Registration No.TN-63 CW-8512, 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.10,000/- (Rupees Ten Thousand only) as non-refundable deposit for the said vehicle to the credit of the RAY OF LIGHT FOUNDATION, Bank Name: HDFC BANK, A/c No:50100078904233, A/c Name: Ray of Light Foundation, Branch: HABIBULLAH ROAD, T NAGAR, CHENNAI, IFSC code: HDFC0001864;
- (b) the petitioner shall execute a bond for a sum of **Rs. 1,00,000/- (Rupees One Lakh only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Karaikudi;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Karaikudi;
- (d) The petitioner shall give an undertaking before the respondent/ authority concerned stating that he will not use



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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;

04.07.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

Sml

To

1.The Judicial Magistrate, Karaikudi.

2.The Sub-Inspector of
Police,
Karaikudi South Police Station,
Karaikudi,
Sivagangai 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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