



CRL RC(MD)No.821 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.821 of 2025

R.Suresh

... Petitioner / Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai City.

2.T.Shanmugavel

... Respondents / Respondents

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records and to set aside the order made in CrI.M.P.No.3492 of 2025 dated 20.06.2025 on the file of the learned Judicial Magistrate No.6, Madurai.

For Petitioner : Mr.V.P.Rajan

For R-1 : Mr.S.S.Manoj,
Government Advocate (CrI. Side)

For R-2 : Mr.V.Kalichamy

ORDER

Challenging the order passed by the learned Judicial Magistrate

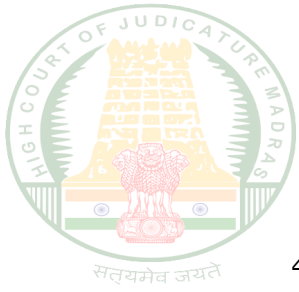


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No.6, Madurai, in Crl.M.P.No.3492 of 2025 dated 20.06.2025, this Criminal Revision case is filed, seeking interim custody of the vehicle bearing Reg.No.TN 55 B 9762.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the petition mentioned vehicle, viz., Lorry bearing Reg.No.TN 55 B 9762. The petitioner purchased the vehicle from the 2nd respondent on 20.01.2020. Even before transferring the RC book to the name of the petitioner, the petition mentioned vehicle was seized for the offences u/s. 379 of IPC and S.21(5), Mines and Minerals (Development and Regulations) Act, 1957. Since the vehicle is under the custody of the 1st respondent police, the petitioner filed an application in Crl.M.P.No.3492 of 2025 for return of the property before the learned Judicial Magistrate No.6, Madurai. The said application was dismissed, vide order dated 20.06.2025.

3. The petitioner preferred the Criminal Revision Petition as against the order dated 20.06.2025 made in Crl.M.P.No.3492 of 2025 on the file of the learned Judicial Magistrate No.6, Madurai, and to set aside the same.



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

5. The learned Government Advocate (Crl. side) appearing for the 1st respondent would submit that the 2nd respondent is the owner of the vehicle and the accused/petitioner purchased the vehicle from the 2nd respondent 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 55 B 9762 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 served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 29.02.2024 passed in Crl.M.P.No.3492 of 2025 by the learned Judicial



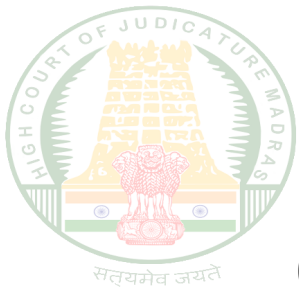
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Magistrate No.6, Madurai.

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8. Accordingly, this Criminal Revision Case is allowed and the order dated 120.06.2025 passed in Crl.M.P.No.3492 of 2025 by the Judicial Magistrate No.6, Madurai., is hereby set aside and the vehicle viz., Lorry bearing Reg.No.TN 55 B 9762, 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.1,00,000/- (Rupees One Lakh 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. 4,00,000/- (Rupees Four Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.6, Madurai;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.6, Madurai;



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- (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.

18.07.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

Sml

To

1.The Judicial Magistrate No.6,
Madurai.

2.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

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