



Crl.R.C.(MD)No.865 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.865 of 2024

Nattuthurai

... Petitioner

Vs.

The State,
The Sub Inspector of Police,
Oddanchatram Police Station,
Dindigul District.

... Respondent

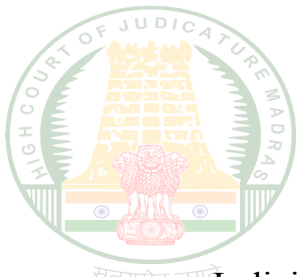
PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to set aside the order passed by the Judicial Magistrate, Oddanchatram in Cr.M.P.No.7072 of 2023 dated 05.01.2024 and order interim custody of the cash of Rs.54,000/- with the petitioner as sought for, which was seized by the respondent on 09.11.2023.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mrs.M.Aasha
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.7072 of 2023 dated 05.01.2024 on the file of the Court of the



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Judicial Magistrate, Oddanchatram, dismissing the petition filed under
Section 457 Cr.P.C.

2. It is evident from the records that the respondent police has seized Toyoto Glanza car, 450 hans pockets and 4 whiskey bottles along with cash of Rs.54,000/- in connection with the case in Crime No.576 of 2023, which came to be registered for the offences under Sections 6(a) and 24(1) of Cigarette and Other Tobacco Products Acts 2003 and 4(1)(a) of TN Prohibition Act and that the seized properties were produced before the jurisdictional Court and the same came to be remanded in R.P.R.No.171 of 2023.

3. The petitioner has filed a petition under Section 457 Cr.P.C. seeking for return of the cash of Rs.54,000/- in interim custody. The learned Magistrate, taking note of the objections raised by the prosecution, dismissed the petition.

4. It is not in dispute that the petitioner has already filed a petition and got interim custody of the vehicle.



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5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the respondent police has not recorded any statement from the accused nor any other statement to say that the amount recovered was the amount available from the sale of the hans pockets.

6. The learned counsel appearing for the petitioner would submit that the petitioner has claimed that the amount is belonging to him.

7. In the absence of any material to show that the amount was connected with the sale of the hans pockets, this Court is inclined to return the cash but on furnishing necessary security for the same. Accordingly, the impugned order passed by the learned Judicial Magistrate, Oddanchatram, in Crl.M.P.No.7072 of 2023 dated 05.01.2024 is hereby set aside and the property is ordered to be returned to the petitioner for interim custody forthwith on the following conditions:-

- (a) the petitioner shall execute a bond for Rs.54,000/- (Rupees Fifty Four Thousand only) with solvency certificates from the



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Tahsildar; and

(b) the petitioner shall give an undertaking before the learned Judicial Magistrate, Oddanchatram, stating that he will return the amount, if directed by the Court.

8. In the result, this Criminal Revision Case stands allowed. No costs.

25.02.2025

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

To

- 1.The Judicial Magistrate,
Oddanchatram.
- 2.The Sub Inspector of Police,
Oddanchatram Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
CrI.R.C.(MD)No.865 of 2024

Dated: 25.02.2025