



CRL RC(MD)No.1020 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.1020 of 2025

C.Christhu Rajan

... Petitioner

Vs.

The State of Tamil Nadu Rep. by,
The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
(Crime No.401 of 2024)

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records and set aside the order of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District, dated 24.01.2025, made in CrI.M.P.No.22 of 2025 in Crime No.401 of 2024 on the file of the Inspector of Police, Kaliyakkavilai Police Station, Kanyakumari District and consequently return back the vehicle bearing registration No.TN-75-BA-6597 as interim custody to the petitioner forthwith.

For Petitioner : Mr.J.Jeevin

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal side)



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ORDER

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This Criminal Revision Petition is filed to call for the records relating to the order of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District, in CrI.M.P.No.22 of 2025 dated 24.01.2025 and set aside the same and entrust the custody of the vehicle to the petitioner.

2. The case of the prosecution is that the respondent filed a FIR in Crime No.401 of 2024, under Section 271 of BNS, for illegal transport of waste and left over food through Mahindra vehicle bearing registration No.TN-75-BA-6597. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed CrI.M.P.No.22 of 2025 for the return of vehicle before the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District and the same was dismissed on 24.01.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 24.01.2025 made in CrI.M.P.No.22 of 2025 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District, 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, submitted that if the vehicle is returned to the petitioner, there is possibility for the vehicle being used for the commission of similar offence and objected to grant interim custody of the vehicle to the petitioner.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing registration No.TN-75-BA-6597 is owned by the petitioner and he will not involve 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 24.01.2025 passed in Crl.M.P.No.22 of 2025 by the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District.

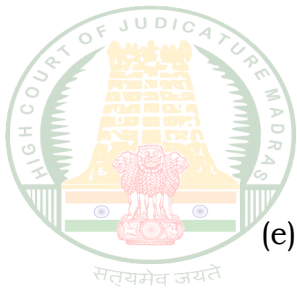
8. Accordingly, this Criminal Revision Case is allowed and the order dated 24.01.2025, passed in Crl.M.P.No.22 of 2025 by the learned Judicial



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Magistrate No.I, Kuzhithurai, Kanyakumari District, is hereby set aside and the vehicle viz., Mahindra bearing Registration No.TN-75-BA-6597, 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.25,000/- (Rupees Twenty Five Thousand only) as non-refundable deposit for the said vehicle to the credit of the Adyar Cancer Institute (Union Bank, Name: Cancer Institute (WIA), Account No: 149710011005477, IFSC Code: UBIN0814971), Chennai ;
- (b) the petitioner shall execute a bond for a sum of **Rs. 3,00,000/- (Rupees Three Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District ;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari 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 ;



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(e) the petitioner shall not alienate and shall not make any alteration in the vehicle ;

(f) the petitioner shall produce the vehicle before the learned Trial Court weekly once i.e, on Monday of english calendar month ;

08.08.2025

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

To

- 1.The Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District.
- 2.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
- 3.Cancer Institute (WIA) (Adayar Cancer Institute),
Dr. S. Krishnamurthi campus – 38 Sardar Patel Road,
Adjacent to I.I.T. Madras,
Chennai – 600 036.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

Mrn

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