

CRL RC(MD)No.907 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.907 of 2025

Dhinagar

... Petitioner/ Accused / Owner of the vehicle

Vs.

The State of Tamil Nadu,
Represented by its, the Inspector of Police,
Thalaimuthunagar Police Station,
Thoothukudi District.
(Crime No.301 of 2025)

... Respondent / Complainant

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records pertaining to the impugned order passed in CrI.M.P.No.1639 of 2025 dated 04.07.2025 on the file of the learned Judicial Magistrate No.II, Thoothukudi, in connection with Crime No.301/2025 on the file of the respondent police and set aside the same and directed the respondent to release the petitioner's electric bike bearing registration No.TN 69 BU 3954.

For Petitioner : Mr.S.Vishnuvardhan

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



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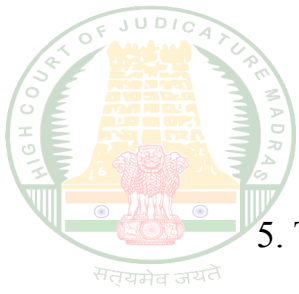
ORDER

This Criminal Revision Petition is filed to call for the records relating to the order of the learned Judicial Magistrate No.II, Thoothukudi, made in Crl.M.P.No.1639 of 2025 dated 04.07.2025 filed by the petitioner under Section 497 and 503 of BNSS and set aside the same as illegal and entrust the custody of the vehicle to the petitioner and allow the above Criminal Revision Petition.

2. The case of the prosecution is that the 1st respondent filed a FIR in Crime No.301 of 2025 for an alleged offence under Section 4(1)(A), 4(1)(i), 14(A), TNP Act, for illegal transportation of liquor in his Magnus Ex (Electric Bike- Blue Colour) bearing registration No.TN 69 BU 3954. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed Crl.M.P.No.1639 of 2025 for the return of vehicle before the learned Judicial Magistrate No.II, Thoothukudi, and the same was dismissed on 04.07.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 04.07.2025 made in Crl.M.P.No.1639 of 2025 on the file of the learned Judicial Magistrate No.II, Thoothukudi, 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 1st 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. He would further submit that the respondent has not proceeded with the confiscation proceedings.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 69 BU 3954, 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 04.07.2025 passed in Crl.M.P.No.1639 of 2025 by the learned Judicial Magistrate No.II, Thoothukudi.

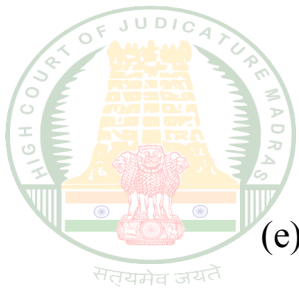


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8. Accordingly, this Criminal Revision Case is allowed and the order dated 04.07.2025, passed in CrI.M.P.No.1639 of 2025 by the learned Judicial Magistrate No.II, Thoothukudi, is hereby set aside and the vehicle viz., Magnus Ex (Electric Bike- Blue Colour) bearing registration No.TN 69 BU 3954, 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 shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.II, Thoothukudi;
- (b) The petitioner shall deposit the copy of RC Book of the vehicle before the learned Judicial Magistrate No.II, Thoothukudi.
- (c) 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;
- (d) the petitioner shall not alienate and shall not make any alteration in the vehicle;



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(e) the petitioner shall produce the vehicle before the learned Trial

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Court once in a month i.e, on 1st Monday of every english
calendar month;

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NCC : Yes / No

Index : Yes / No

Internet : Yes

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To

- 1.The Judicial Magistrate No.II, Thoothukudi.
- 2.The Inspector of Police, Thalaimuthunagar Police Station,
Thoothukudi District. (Crime No.301 of 2025)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

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