



Crl.R.C(MD)No.1252 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.11.2025**

CORAM

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

CRL.R.C.(MD)No.1252 of 2025

S.Pushpalatha,
W/o.Sivanperumal,
D.No.6/32, Emarajan Kovil,
East Street,
Kuruvan Kottai,
Mayamankurichi,
Tenkasi District.

... Petitioner

vs.

The State,
Represented by,
The Sub-Inspector of Police,
Pappakudi Police Station,
Tenkasi District,
Crime No.283 of 2024.

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to set aside the order dated 25.06.2024 made in Crl.M.P.No.3238 of 2024 on the file of the learned Judicial Magistrate, Tenkasi and to modify the condition 1.6 in Crl.M.P.No.3238 of 2024.



Crl.R.C(MD)No.1252 of 2025

For Petitioner :Mr.M.Sankar
For Respondent :Mr.M.Karunanithi
Government Advocate
(Criminal Side)

ORDER

Heard Mr.M.Sankar, learned counsel appearing for the Revision Petitioner and Mr.M.Karunanithi, learned Government Advocate (Criminal Side) appearing for the Respondent.

2. This Criminal Revision Petition has been filed by the Revision Petitioner to set aside the order dated 25.06.2024 made in Crl.M.P. No.3238 of 2024 on the file of the learned Judicial Magistrate, Alangulam, insofar as to modify the condition 1.6 in Crl.M.P.No.3238 of 2024.

3. The facts of the case in a nutshell, led to filing of this Criminal Revision Petition and necessary for disposal of the same, are as follows:-



CrI.R.C(MD)No.1252 of 2025

WEB COPY

3.1. The Respondent Police filed a case in Crime No.283 of 2023 under Section 328 of IPC, Section 6(b) and 24(1) of Cigarette and other Tobacco Products Act, 2003, against the Revision Petitioner and seized a vehicle bearing Registration No.TN 76 M 7102 (Ashok Leyland) in the above said crime and produced before the learned Judicial Magistrate, Alangulam and the same was taken on file in R.P.R.No.46 of 2024.

3.2. As the Revision Petitioner is the owner of the vehicle, the Revision Petitioner filed a petition in CrI.M.P.3238 of 2024 before the learned Judicial Magistrate, Alangulam and the Trial Court vide order dated 25.06.2024 granted interim release of the vehicle imposing certain conditions.

3.3. For better appreciation, the relevant portion of the order dated 25.06.2024 in CrI.M.P.No.3238 of 2024, passed by the learned Judicial Magistrate, Alangulam is being reproduced hereunder:



CrL.R.C(MD)No.1252 of 2025

WEB COPY

“1) the Petitioner shall deposit nonrefundable amount of Rs.5,000/- into the savings account of cancer institute (WIA), Adyar, Chennai, maintained with Union Bank of India having Account No.1497100211005477 with IFSC UBIN0814971.

ii) the Petitioner shall execute a bond for a sum of Rs.3,00,000/- with one surety.

iii) a photograph of the said vehicle, clearly showing its 3 Dimensional View, shall be taken in presence of the Petitioner and the photograph must be duly attested by the investigating officer and the petitioner along with a certificate under Section 65B of Indian Evidence Act, 1872.

iv) the Petitioner shall undertake to produce the said vehicle before the said court during the trial or as and when directed by the Court.

v) the Petitioner shall not alter or change or modify the property.



Crl.R.C(MD)No.1252 of 2025

vi) the Petitioner must produce original RC book of

WEB COPY *the vehicle before the concerned Court.*

vii) the Petitioner shall execute panchanama in the presence of the head clerk.”

Aggrieved by the order dated 25.06.2024, more particularly the condition no.vi, the Revision Petitioner has filed the present Criminal Revision Petition.

4. Mr.M.Sankar, learned counsel appearing for the Revision Petitioner, submits that when the Revision Petitioner has submitted the surety memo before the learned Judicial Magistrate, Alangulam for the order passed in Crl.MP.No.3238 of 2024, dated 25.06.2024, the same was returned with an endorsement “As per the order in Crl.MP.No.3238 of 2024, dated 25.06.2024, original RC book not produced. Hence returned”.



Crl.R.C(MD)No.1252 of 2025

5. The learned Counsel for the Revision Petitioner further submits that condition no. vi imposed by the Trial Court is against the provisions of law. The original RC book was already produced before the learned Judicial Magistrate, Alangulam, in Crl.M.P.No.5379 of 2023, dated 25.08.2023, and is in the custody of the Court. Therefore, the Revision Petitioner is unable to produce the original RC book in the present case. It is submitted that Crl.M.P.No.3238 of 2024 and Crl.M.P.No.5379 of 2023 are pending before the same Court, and the Trial Court can peruse the original RC book from the records of Crl.M.P.No.5379 of 2023. Hence, the condition no. vi in the order dated 25.06.2024, in Crl.M.P.No. 3238 of 2024, may be modified, and the Trial Court may be directed to release the vehicle in favor of the Revision Petitioner without insisting on condition no.vi, as the original RC book is already on record in Crl.M.P.No.5379 of 2023.

6. Mr.M.Karunanithi, learned Government Advocate (Criminal Side) appeared for the Respondent filed counter affidavit and in paragrph no.7 of the counter affidavit, it has been stated as under:



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Crl.R.C(MD)No.1252 of 2025

“7. It is further submitted that if the original RC book is already before the same court, the petitioner can always make a formal application before the Judicial Magistrate to link the same record or request verification through the Court Clerk. The petitioner need not approach this Court seeking relaxation or modification of a lawful condition merely on that basis.”

7. The learned Government Advocate concurred with the submissions made by the learned Counsel for the Revision Petitioner, stating that since the original RC book of the vehicle bearing Registration No.TN 76 M 7102 (Ashok Leyland) is already in the file of Crl.M.P.No.5379 of 2023, pending before the learned Judicial Magistrate, Alangulam, there is no need to impose a fresh condition in the order dated 25.06.2024 passed in Crl.M.P.No.3238 of 2024 for depositing the original RC book. He further submitted that only one RC book is issued by the Transport Department, and there cannot be two RCs. Therefore, the condition imposed by the learned Judicial



Crl.R.C(MD)No.1252 of 2025

Magistrate, Alangulam, is unjustified. He prayed for a positive direction to release the vehicle without imposing condition no. vi.

8. I have considered the submission of the learned counsel for the Revision Petitioner and the learned Government Advocate for the Respondent and also perused the impugned order dated 25.06.2024 in Crl.MP.No.3238 of 2024 passed by the learned Judicial Magistrate, Alangulam and also the order dated 25.08.2023 in Crl.M.P.No.5379 of 2023 passed by the learned Judicial Magistrate, Alangulam.

9. This Court finds that condition no. vi imposed by the learned Judicial Magistrate, Alangulam, appears to be unjustified and unreasonable, as the original RC book of the vehicle bearing Registration No.TN 76 M 7102 (Ashok Leyland) is already on record in Crl.M.P.No. 5379 of 2023 before the same Court. Therefore, this Court relaxes condition no. vi and directs the learned Judicial Magistrate, Alangulam, to release the vehicle without insisting on the condition no.(vi) and the learned Judicial Magistrate, Alangulam, is directed to pass an order



Crl.R.C(MD)No.1252 of 2025

releasing the vehicle bearing Registration No.TN 76 M 7102 (Ashok Leyland) in favour of the Revision Petitioner forthwith. The other conditions of the order dated 25.06.2024 passed in Crl.M.P.No.3238 of 2024 shall remain unaltered. Accordingly, in view of the above observation, the order dated 25.06.2024 in Crl.M.P.No.3238 of 2024 passed by the learned Judicial Magistrate, Alangulam, in respect of Condition No.(vi) is modified.

10. With the above directions, this Revision Petition is **disposed of**. There is no order as to costs. The file is consigned to record.

11. Let a copy of this order be sent by the Registry to the Judicial Magistrate Court, Alangulam, within two weeks from today, for necessary compliance and information, to be kept in the file of Trial Court record.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

04.11.2025

9/11



Crl.R.C(MD)No.1252 of 2025

To:

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- 1.The Judicial Magistrate No.1, Alangulam.
- 2.The Sub-Inspector of Police,
Pappakudi Police Station,
Tenkasi District,
Crime No.283 of 2024.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C(MD)No.1252 of 2025

SHAMIM AHMED, J.

Nsr

Order made in
Crl.R.C(MD)No.1252 of 2025

04.11.2025