



Crl.R.C.(MD)No.1141 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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... Petitioner/Petitioner/A2

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.
(Crime No.46 of 2025)

... Respondent/Respondent/
Complainant

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to set aside the condition Nos.1, 2 and 3, directing him to (i)...take photographs of the property with his signature and submit to the Court. The Head clerk of this Court is directed to prepare panchanama in the presence of the petitioner and the respondent for the above property so as to marking the same at the time of trial; (ii)....execute own bond for Rs.3,80,000/- with two sureties for sum of Rs.1,90,000/- and (iii)....to file an affidavit that he will deposit the amount equal to the value of 164 kg of cardamom i.e., amount Rs.3,80,000/- (calculate based on the bill submitted by petitioner priced at Rs.2350 per kg) as and when this Court deems necessary” vide order, dated 11.08.2025 passed in Crl.M.P.No. 662 of 2025 on the file of the learned District Munsif cum Judicial



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Magistrate, Rameswaram, Ramanathapuram District, while granting interim custody of the 164 kg of cardamom stored in seven bags to the petitioner.

For Petitioner : Mr.R.L.Dhilipan Pandian

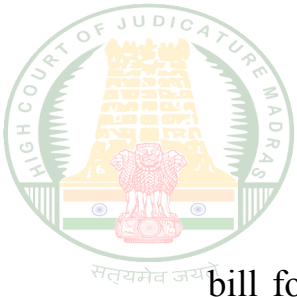
For Respondent : Mr.S.S.Manoj
Government Advocate (Crl. Side)

ORDER

Challenging the order passed by the learned District Munsif cum Judicial Magistrate Court, Rameswaram in Crl.M.P.No.662 of 2025 dated 11.08.2025, this criminal revision case is filed by the petitioner.

2. The petitioner herein is the 2nd accused in the said crime. He filed an application under Section 497 r/w 503 of BNSS seeking interim custody of 164 kg cardamom in Crl.M.P.No.662 of 2025 in Crime No.46 of 2025 under Section 112 of BNSS of Thangachimadam Police Station.

3. The learned Trial Court, while dealing with the said petition, observed that the prosecution had miserably failed to produce any document relating to the illegal transportation of 164 kg of cardamom that was seized. It also noted that the petitioner herein had produced a



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bill for the purchase of the alleged cardamom and further clarified that Section 112 of the BNS pertains to petty organized crime. The prosecution failed to substantiate how the said offence is attracted in the present case. Having made such an observation, condition no.3 for the return of property was imposed, directing the petitioner to file an affidavit that he will deposit the amount equal to the value of 164 kg of cardamom, i.e., amount of Rs.3,80,000/- as and when the learned Court deems necessary and directed the petitioner to execute own bond for Rs. 3,80,000/- with two sureties for sum of Rs.1,90,000/-. Challenging the same, this criminal revision case is filed.

4. The learned counsel for submitted that having observed that the prima facie case is not made out, the learned Trial Court ought not to have imposed such conditions and the same are impermissible.

5. Per contra, the learned Government Advocate (Crl.Side) submitted that it is a matter subject to trial and the conditions are not unreasonable and pressed for dismissing the criminal revision case.



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6. Heard the learned counsel for the petitioner, learned Government Advocate (Crl.Side) for the respondent and carefully perused the materials available on reocrd.

7. Impressed by the observation of the learned Trial Court that the alleged cardamom had been seized from the house of the petitioner and that there is no record for illegal transportation, I am of the considered view that the condition no.3 should be scraped out and the same is set aside. As far as condition no.2 is concerned, the same is modified by directing the petitioner to execute own bond for Rs.1,90,000/- with two sureties for sum of Rs.1,00,000/- each.

8. In view of the above, this Criminal Revision Case is partly allowed.

21.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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L.VICTORIA GOWRI ,J.

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To

- 1.The District Munsif cum Judicial Magistrate,
Rameswaram, Ramanathapuram District.
- 2.The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.R.C.(MD)No.1141 of 2025

Dated: 21.08.2025