



Crl.R.C(MD)No.1285 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.1285 of 2025

Suther Raj,
S/o.Jeevadas,
No.7/9A, Kallam Pottai Veedu,
Pazhavilai, Vilavancode Taluk,
Kanyakumari District.

... Petitioner

vs.

The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District,
Crime No.431 of 2025.

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records and modify the condition (1) imposed by the District Munsif cum Judicial Magistrate Court, Bhoothapandy, Kanyakumari District, in Crl.M.P.No.305 of 2025, dated 29.07.2025.



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For Petitioner :Mr.S.Krishna Kumar
For Respondent :Mr.A.S.Abul Kalam Azad
Government Advocate

ORDER

Heard Mr.S.Krishna Kumar, learned counsel appearing for the Revision Petitioner and Mr.A.S.Abul Kalam Azad, learned Government Advocate, appearing for the Respondent.

2. This Criminal Revision Petition has been filed by the Revision Petitioner to modify the condition in Paragraph No.7(1) imposed by the District Munsif cum Judicial Magistrate Court, Bhoothapandy, Kanyakumari District, in Crl.M.P.No.305 of 2025, dated 29.07.2025.

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:-



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3.1. The Respondent Police filed a case in Crime No.431 of 2025 before the Aralvaimozhi Police Station under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023, against the Revision Petitioner and seized a vehicle viz., Tipper Lorry bearing Registration No. TN 75 BB 6231, in the above said crime and produced before the District Munsif cum Judicial Magistrate Court, Bhoothapandy and the same was taken on file in R.P.R.No.164 of 2025.

3.2. As the Revision Petitioner is the owner of the vehicle, the Revision Petitioner filed a petition in Crl.M.P.305 of 2025 before the District Munsif cum Judicial Magistrate Court, Bhoothapandy and the Trial Court vide order dated 29.07.2025 granted interim release of the vehicle imposing certain conditions.

3.3. For better appreciation, the relevant portion of the order dated 29.07.2025 in Crl.M.P.No.305 of 2025, passed by the District Munsif



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cum Judicial Magistrate Court, Bhoothapandy is being reproduced

hereunder:

“7.

1. *The petitioner shall execute a bond for Rs. 25,00,000/- (Rupees Twenty Five Lakhs only) along with two solvent sureties each like sum.*

2. *The Petitioner shall submit his original R.C.Book before this Court along with copy of Aadhar card.*

3. *The Petitioner shall file undertaking affidavit undertaking that he will not use the vehicles in question for any illegal activities in future.*

4. *The Petitioner shall take photograph of the vehicles fully and submit the same along with CD duly certified under section 65B of the Indian Evidence Act, 1972.*

5. *The Petitioner shall sign in the Panchanama in Judicial Form 82*



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6. The Petitioner shall not modify or alienate or

encumber the vehicle

7. The Petitioner shall not sale the vehicle till the disposal of the case.

8. The Petitioner shall produce the vehicle immediately before this court if the court directs to produce the vehicle and the vehicle shall be produced if the confiscation proceedings is initiated before this court.”

Aggrieved by the order dated 29.07.2025, more particularly the condition in Paragraph No.7(1), the Revision Petitioner has filed the present Criminal Revision Petition.

4. Mr.S.Krishna Kumar, learned counsel appearing for the Revision Petitioner, submits that the Revision Petitioner is a poor person and his entire livelihood depends on the vehicle. He argues that complying with condition in Paragraph No.7(1) of the order dated 29.07.2025 is difficult because the surety amount of Rs. 25,00,000/- is



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disproportionate to the circumstances of the case and is excessive, especially considering the present vehicle's value which is not more than Rs.10 lakhs and it is an old vehicle. Hence, he prays that the condition in Paragraph No.7(1) in the order dated 29.07.2025 in CrI.M.P.No.305 of 2025 may be modified, and the Trial Court may be directed to release the vehicle in favor of the Revision Petitioner without insisting on the excessive surety amount. He further submits that the Revision Petitioner is ready to comply the condition imposed by this Court.

5. Mr.M.Karunanithi, learned Government Advocate (Criminal Side), for the Respondent filed a counter affidavit, which is taken on record. He submits that the condition imposed by the Trial Court is justified and prays for the dismissal of this petition. However, he does not dispute the fact that the vehicle in question is an old vehicle.

6. 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 29.07.2025 in



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Crl.MP.No.305 of 2025 passed by the District Munsif cum Judicial Magistrate, Boothapandy.

7. This Court finds that condition in Paragraph No.7(1) imposed by the District Munsif cum Judicial Magistrate, Boothapandy, is unjustified and unreasonable, considering the present vehicle's value which is not more than Rs.10 lakhs and it being an old vehicle. **Therefore, this Court modifies the condition in Paragraph No.7(1) to the extent that the Revision Petitioner shall execute a bond of Rs.5,00,000/- (Rupees Five Lakh only) along with two solvent sureties for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each, before the District Munsif cum Judicial Magistrate, Boothapandy, within three weeks from today.** On execution of such bond along with two solvent sureties as observed above, the District Munsif cum Judicial Magistrate, Boothapandy, is directed to release the vehicle bearing Registration No.TN 75 BB 6231 in favour of the Revision Petitioner forthwith. The other conditions of the order dated 29.07.2025 passed in Crl.M.P.No.305 of 2025 shall remain unaltered. Accordingly, in view of



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the above observation, the order dated 29.07.2025 in Crl.M.P.No.305 of 2025 passed by the District Munsif cum Judicial Magistrate, Boothapandy, in respect of condition in Paragraph No.7(1) is modified.

8. With the above directions, this Revision Petition is **disposed of**.

There is no order as to costs. The file is consigned to record.

9. Let a copy of this order be sent by the Registry to the District Munsif cum Judicial Magistrate, Boothapandy, 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



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To:

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



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SHAMIM AHMED, J.

Nsr

Order made in
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