



CRL RC(MD). No.657 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16/04/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL RC(MD). No.657 of 2026

Mariammal

... Petitioner

Vs

The State of Tamilnadu Rep By
the Inspector of Police, Eral Police Station,
Thoothukkudi District.
(Crime No.96 of 2025).

... Respondent

PRAYER :-

To call for the records of the order dated 06.02.2025 passed in
Crl.M.P. Unnumbered of 2025 in C.C.No.121 of 2025 on the file of the
Judicial Magistrate Court-II at Srivaikundam, Thoothukudi District and
set aside the same by allowing this Criminal Revision Case.

For Petitioner : Mr. Vairavan Kasirajan,
Advocate.

For Respondent : Mr. M.Sakthi Kumar
Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Petition is filed to set aside the order of the learned Judicial Magistrate Court-II at Srivaikundam, Thoothukudi District, in CrI.M.P. Unnumbered of 2025 in C.C.No.121 of 2025 dated 06.02.2026 filed by the petitioner under Section 497 of BNSS of 2023.

2. The case of the prosecution is that the respondent filed an FIR in Crime No.96 of 2005 for the alleged offence under Sections 380 of IPC, for the offence of theft in a Bullet Motorcycle bearing Registration No.TAC 4377 Chassis No.B.B.383155 and Engine No.4005. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed in CrI.M.P. Unnumbered of 2025 in C.C.No.121 of 2025 for the return of vehicle before the learned Judicial Magistrate Court-II at Srivaikundam, Thoothukudi District, and the same was dismissed on 06.02.2026.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 06.02.2026 made in CrI.M.P. Unnumbered of 2025 in C.C.No.121 of 2025 on the file of the learned Judicial Magistrate



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Court-II at Srivaikundam, Thoothukudi District, and to set aside the same.

4. Heard the learned counsels on either side and carefully perused the materials available on record.

5. The learned Government Advocate (Criminal side) appearing for the respondent 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 namely Bullet Motorcycle bearing Registration No.TAC 4377 Chassis No.B.B.383155 and Engine No.4005 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 of the vehicle may be granted to the petitioner.



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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 that no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision thereby, setting aside the impugned order dated 06.02.2026 passed in Crl.M.P. Unnumbered of 2025 in C.C.No.121 of 2025 by the learned Judicial Magistrate Court-II at Srivaikundam, Thoothukudi District.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 06.02.2026, passed in Crl.M.P. Unnumbered of 2025 in C.C.No.121 of 2025 by the learned Judicial Magistrate Court-II at Srivaikundam, Thoothukudi District, is hereby set aside and the vehicle viz., Bullet Motorcycle bearing Registration No.TAC 4377 Chassis No.B.B.383155 and Engine No.4005, is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concerned Department or by the Court on the following conditions:-

(a) The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit for the said



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vehicle to the credit of the Aishwaryam Trust, Indian Bank, Tirunagar Branch, Madurai, Account No.6639017788, IFSC Code: IDIB000T032;

(b) 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 Court-II at Srivaikundam, Thoothukudi District;

(c) The petitioner shall produce the original RC Book of the vehicle before the learned Judicial Magistrate Court-II at Srivaikundam, Thoothukudi District. If the original RC Book is in the custody of the finance company, the petitioner shall produce a photocopy of the RC Book, along with an affidavit stating that the original is with the finance company and a letter from the finance company acknowledging such custody.

(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 Trial Court once in a month i.e, on 1st Monday of every English calendar month.

9. Registry is directed to return the original petition in Crl.M.P. Unnumbered of 2025 in C.C.No.121 of 2025 filed before the learned Judicial Magistrate Court-II at Srivaikundam, Thoothukudi District, which is enclosed in the typed set of papers, to the petitioner.

16.04.2026

NCC : yes / no
Index : yes / no

Note : Issue order copy on **20.04.2026**

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To

- 1.The Judicial Magistrate Court-II at Srivaikundam,
Thoothukudi District.
2. The Inspector of Police, Eral Police Station, Thoothukkudi District.
(Crime No.96 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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ORDER
IN
CRL RC(MD) No.657 of 2026

Date : 16/04/2026