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CRL RC(MD)No.815 of 2026

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 30.04.2026**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**CRL RC(MD)No.815 of 2026**

R.Ajith

... Petitioner

Vs.

State of Tamil Nadu,  
rep., by the Sub Inspector of Police,  
Kanyakumari Police Station,  
Kanyakumari District.  
Crime No.343 of 2025

... Respondent

**PRAYER:** Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records pertaining to the order passed in CrI.M.P.No.2663 of 2025 in Crime No.343 of 2025 dated 15.10.2026 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District and set aside the same by allowing the criminal revision petition.

For Petitioner : Mr.G.Marichamy

for M/s.P.Balamurugan

For Respondent : Mr.S.Ravi  
Additional Public Prosecutor

**ORDER**

This Criminal Revision Petition is filed to call for the records pertaining to the order passed in CrI.M.P.No.2663 of 2025 in Crime No.343



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of 2025 dated 15.10.2026 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District and set aside the same by allowing the criminal revision petition.

2. The case of the prosecution is that the respondent filed a FIR in Crime No.343 of 2025 for an alleged offence under Section 303(2) of BNS Act, 2023, r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, for illegal transport of Black stones through Tata SFC 407 Goods Career bearing registration No.TN 74 AZ 2868. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed CrI.M.P.No. 2663 of 2025 for the return of vehicle before the learned Judicial Magistrate Court No.I, Nagercoil, Kanyakumari District, and the same was dismissed on 15.10.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 15.10.2025 made in CrI.M.P.No.2663 of 2025 on the file of the learned Judicial Magistrate Court No.I, Nagercoil, Kanyakumari District, 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 Additional Public Prosecutor 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 bearing Registration No.TN 74 AZ 2868 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 15.10.2025 passed in CrI.M.P.No.2663 of 2025 by the learned Judicial Magistrate Court No.I, Nagercoil, Kanyakumari District.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 15.10.2025 passed in CrI.M.P.No.2663 of 2025 by the learned Judicial Magistrate Court No.I, Nagercoil, Kanyakumari District, is hereby set aside



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and the vehicle viz., Tata SFC 407 Goods Career bearing Registration No.TN 74 AZ 2868, 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 is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) as non-refundable deposit for the said vehicle to the credit of the Manolaya, 4/133/4, Chardep Nagar Atchankulam, Potrayadi P.O. Kanyakumari District-629 703 (Indian Overseas Bank, Kottaram, Account No: 025302000000284, IFSC Code: IOBA0000253;
- (b) the petitioner shall execute a bond for a sum of **Rs.5,50,000/- (Rupees Five Lakhs and Fifty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate Court No.I, Nagercoil, Kanyakumari District;
- (c) The petitioner shall deposit the copy of RC Book of the vehicle before the learned Judicial Magistrate Court No.I, Nagercoil, Kanyakumari District. If the original RC Book is in the custody of the finance company, the petitioner shall produce a photo copy 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;



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- (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;
- (e) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (f) the petitioner shall produce the vehicle before the learned Trial Court once in a month i.e, on 1<sup>st</sup> Monday of every English calendar month;

**30.04.2026**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
Rmk

To

- 1.The Judicial Magistrate Court No.I, Nagercoil, Kanyakumari District.
- 2.The Sub Inspector of Police,  
Kanyakumari Police Station,  
Kanyakumari District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**L.VICTORIA GOWRI, J.,**

*Rmk*

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