



CRL RC(MD). No.861 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05/06/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL RC(MD). No.861 of 2026
and
CRL MP(MD). No.9922 of 2026

Anandhan

... Petitioner

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Tisaiyanvilai Police Station,
Tirunelveli District.
Cr.No.846 of 2025.

... Respondent

PRAYER :-

To call for the records relating to the order passed in Crl.MP.No.61 of 2026 dated 24.04.2026 on the file of the learned District Munsif-cum-Judicial Magistrate, Tisaiyanvilai and modify/set aside the onerous conditions imposed therein for return of the petitioner's Hero Honda Splendor Plus motorcycle bearing Registration No.TN 69 S 5631 and consequently direct the respondent police to hand over custody of the aforesaid vehicle to the petitioner without imposing such conditions.



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For Petitioner : Mr. R.Balakrishnan,
Advocate.

For Respondent : Mr.S.Arun Arockiasamy
Counsel for State of TN (Crl.Side)

ORDER

This Criminal Revision Case is filed seeking to call for the records relating to the order passed in Crl.MP.No.61 of 2026 dated 24.04.2026 on the file of the learned District Munsif-cum-Judicial Magistrate, Tisaiyanvilai and modify/set aside the onerous conditions imposed therein for return of the petitioner's Hero Honda Splendor Plus motorcycle bearing Registration No.TN 69 S 5631 and consequently direct the respondent police to hand over custody of the aforesaid vehicle to the petitioner without imposing such conditions.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the property and the victim in Crime No.846 of 2025. Further, he insisted that though the petitioner being a victim, the respondent police had managed to seize the vehicle belonging to the



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petitioner, namely Hero Honda Splendar Plus bearing registration No.TN

69 S 5631. In view of the same, the petitioner had filed an application under Section 497 and 503 BNSS seeking interim custody of the said vehicle in Crl.MP.No.61 of 2026, before the learned District Munsif cum Judicial Magistrate, Thisaiyanvilai, had allowed the same on certain conditions. The operative portion of the said order revealed that the case properties were not remanded before the said court on the date of the order, that is on 24.04.2026 and for that, the learned Magistrate had directed the respondent police to produce the case properties before the aforesaid Court within 2 weeks. While so, the petitioner, challenging all the conditions in the aforesaid order on the ground that the said property was not at all involved in the crime, filed this Criminal Revision Petition.

3. The learned Government Advocate fairly conceded that the property was not remanded before the learned trial Court on the date of the impugned order and only on 29.05.2026, the same was remanded and the Form 91 was also duly returned because the petitioner is a victim and his property is not involved in the crime.

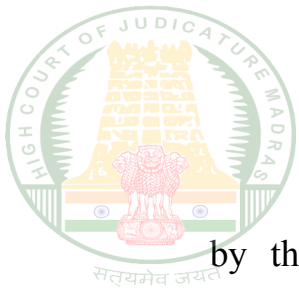


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4. Heard either sides and carefully perused the materials available on record.

5. Even at the time of admission before this Court, the police had not remanded the case property, including the petitioner's vehicle, before the Judicial Magistrate. In view of the same, this Court by order dated 21.05.2026 had directed the respondent police to comply with the order of the learned Judicial Magistrate. Only thereafter, the petitioner's vehicle was remanded before the Judicial Magistrate on 29.05.2026 along with Form 91. However, it is seen that the said form 91 was rejected and returned by the learned Judicial Magistrate, which itself would suffice to prove that the petitioner's two wheeler was not involved in the crime. Hence, the condition imposed by the learned Judicial Magistrate is obviously perverse and the same should necessarily go and without imposing any condition. The property should be returned back to the Petitioner.

6. In view of the submissions made by both parties, the conditions imposed in the order passed in Crl.MP.No.61 of 2026 dated 24.04.2026



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by the file of the learned District Munsif-cum-Judicial Magistrate, Tisaiyanvilai, are hereby set aside and the learned trial Court is directed to forthwith handover the possession of the two wheeler to the petitioner,

7. Accordingly, this Criminal Revisin Case is allowed. Consequently, connected miscellaneous petition stands closed.

05.06.2026

NCC : yes / no

Index : yes / no

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To

1. The District Munsif-cum-Judicial Magistrate, Tisaiyanvilai.
2. The Inspector of Police, Tisaiyanvilai Police Station, Tirunelveli District. Cr.No.846 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.861 of 2026

Date : 05/06/2026