



Crl.R.C.No.1441 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Boosanam @ Poosanam

... Petitioner

Vs

State rep. by
Sub Inspector of Police
Thiruvallam Police Station,
Vellore District
Cr.No.102 of 2023

... Respondent

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C., [438 of BNSS r/w 442 of BNS Act] to set aside the order dated 08.05.2024 passed by the learned Judicial Magistrate, Katpadi, Vellore District in Crl.M.P.No.41 of 2024 in Crime No.102 of 2023 and direct to release the vehicle, viz., Tipper lorry bearing registration no.TN-23-CM-9248 owned by the petitioner.

For Petitioner : Mr. D.Thirumoorthy

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)



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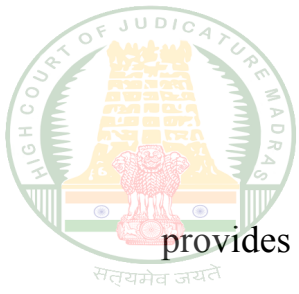
ORDER

WEB COPY This Criminal Revision has been filed challenging the order passed in Crl.M.P No.41 of 2024 in Crime No.102 of 2023 dated 08.05.2024 on the file of learned Judicial Magistrate, Katpadi, Vellore District and set aside the same, thereby dismissed the petition to return the property.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.On perusing the documents placed on record, it is seen that the petitioner owns a Tipper Lorry bearing registration No.TN-23-CM-9248. While being so, the respondent lodged an FIR in Crime No.102 of 2023 for offences under Sections 379 IPC r/w 21(1) and 21(4) of the Mines and Minerals (D&R) Act alleging that the petitioner was transported river sand without a valid license.

4. It is pertinent to point out that according to the case of the prosecution, the above said vehicle owned by the petitioner was used for committing the said crime. However, the allegations are no way connected with the tipper lorry. Further the provision under Section 451 of Cr.P.C./497(1) of BNSS



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WEB provides for protection of the property from degradation due to non maintenance in the custody of the police as it takes long time for conclusion of criminal proceedings. The vehicle is in broad day light from the date of seizure and the trial has also been commenced and hence no useful purpose will be served in keeping the vehicles parked in the sunlight and rain

5. Therefore, this Court is inclined to return the vehicle to the petitioner and accordingly, the order passed in Crl.M.P.No.41 of 2024 dated 08.05.2024 by the learned Judicial Magistrate, Katpadi, is hereby set aside. The learned Judicial Magistrate, Katpadi is directed to return the Tipper Lorry bearing registration No.TN-23-CM-9248 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.1,00,000/- (Rupees One lakh only) to the satisfaction of the concerned Magistrate to the credit of Crime No.102 of 2023 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original registration certificate of the vehicle with the concerned Magistrate.

(iii) the seized item should be photographed at the cost of the petitioner



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herein and a list is to be prepared and the same is to be signed by the petitioner.

WEB COPY (iv) the petitioner shall not alienate and shall not make any alteration in the vehicle.

(v) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

(vi) If any of the conditions are violated, this order automatically stands cancelled.

6. Accordingly, the Criminal Revision Case stands allowed.

14.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

ssd



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WEB COPY

1.The Judicial Magistrate
Katpadi, Vellore District

2. State rep. by
Sub Inspector of Police
Thiruvalam Police Station,
Vellore District

3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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