



Crl.R.C.No. 560 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.No. 560 of 2025

Sivakumar
S/o. Adhimoolam

... Petitioner

Vs

State rep. by
Inspector of Police
K.V.Kuppam Police Station,
Vellore – 632 201
(Crime No.234 of 2024)

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS Act, 2023, to set aside the order passed in Crl.M.P.No.3310 of 2024 dated 01.02.2025 on the file of Judicial Magistrate, Katpadi by allowing this revision and pass such further or other orders.

For Petitioner : Mr. B.S.Manikandan
For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Revision has been filed set aside the order passed in Crl.M.P.No.3310 of 2024 dated 01.02.2025 on the file of Judicial Magistrate, Katpadi.

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



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materials available on record.

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3. The petitioner owned a JCB (Model Name : JDX Plus 2WD) bearing Registration No.TN 23 DY 7647. Pursuant to the registration of FIR in Crime No. 234 of 2024, on the file of the respondent Police, the JCB owned by the petitioner was seized by the respondent police for the offence punishable under Sections 303(2), 326(a) of BNS against one Susil Kumar and three others and the petitioner is no way connected to the above said crime, but the JCB alleged to be used in the crime. The petitioner filed a petition for return of property before the Judicial Magistrate, Katpadi, Vellore in CrI.M.P.No. 3310 of 2024 and the has been dismissed on 01.02.2025. Aggrieved by the said dismissal order, the present revision petition has been filed.

4. The learned Government Advocate (CrI. side) submitted that if the vehicle is returned, there are possibilities to alter the parts of the vehicle and they will not produce the vehicle before the Court during trial.

5. Admittedly, the petitioner's vehicle was seized in connection with the alleged offence. However, it is not the case of the prosecution that the petitioner himself was involved in the commission of the crime. The vehicle in



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question is a heavy earth-moving machine, which, if left unused for a long period, would deteriorate in condition and lose its utility. Therefore, keeping the vehicle in the custody of the police yard would not serve any fruitful purpose, and the interest of justice would be met by returning the vehicle to the petitioner subject to appropriate conditions to ensure its production during trial, as and when required.

6. In view of the above, this Court is inclined to return the vehicle to the petitioner and accordingly, the order passed in CrI.M.P.No.3310 of 2024 dated 01.02.2025 by the Judicial Magistrate, Katpadi, is hereby set aside. The learned Judicial Magistrate, Katpadi, is directed to return the JCB bearing Registration No. No.TN 23 DY 7647 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.234 of 2024 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



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

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(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.

7. Accordingly, the Criminal Revision Case stands allowed.

20.08.2025

Index : Yes/No

Neutral citation : Yes/No

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To

1.The Judicial Magistrate, Katpadi

2.Inspector of Police
K.V.Kuppam Police Station,
Vellore – 632 201

3. The Public Prosecutor, Madras High Court,



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G.K.ILANTHIRAIYAN, J.
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