



Crl.R.C.No.676 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2025

CORAM:

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

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Sathiya Priya

..... Petitioner

Vs

State rep. by
Inspector of Police
Tirukoilur Police Station
Kallakurichi District
(crime No.135 of 2025)

..... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS Act, 2023, to call for the records in Crl.M.P No.423 of 2025 on the file of Judicial Magistrate at Tirukoilur and set aside the same and subsequently grant interim custody of vehicle in bearing No.TN 88 L 4007 Ashok Leyland Tipper Lorry to the petitioner.

For Petitioner : Mr.T.Balachandran
For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor

ORDER

This Criminal Revision has been filed challenging the order passed in Crl.M.P No.423 of 2025 on the file of Judicial Magistrate at Tirukoilur,



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thereby dismissing the petition filed for return of vehicle bearing No.TN 88 L

WEB COPY 4007 - Ashok Leyland Tipper Lorry

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials available on record.

3. The petitioner owned lorry - Ashok Leyland Tipper Lorry bearing Registration No.TN 88 L 4007. While being so, on 28.02.2025 at about 6 p.m., during the routine vehicle check-up, the petitioner was found to have involved in illegal transportation of 3 units of gravel sand by the aforesaid lorry, which was driven by its driver. In pursuant to the same, the respondent registered FIR in crime No.135 of 2025 for the offence punishable under Section 303(2) of BNS Act, 2023 r/w Section 21(1) of Mines and Minerals (Development of Regulation) Act, 1957. While pending the investigation, the lorry owned by the petitioner was also seized and deposited before the Court concerned. The petitioner, being the lorry owner, was arrayed as A2. While pending the investigation, the petitioner filed petition for return of the lorry and the same was dismissed.



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4. On perusal of the records, it is revealed that the petitioner's lorry

was found in possession of gravel sand weighing three units. The sand was excavated from the patta land of the petitioner.

5. In view of the above facts and circumstances, this Court is inclined to return the vehicle to the petitioner and accordingly, the order dated 03.04.2025 passed in Crl.M.P No.423 of 2025 on the file of Judicial Magistrate at Tirukoilur, is hereby set aside. The Judicial Magistrate at Tirukoilur, is directed to return the Ashok Leyland Tipper Lorry bearing Registration No.TN 88 L 4007 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute a 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.135 of 2025 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 herein and a list is to be prepared and the same is to be signed by the petitioner.

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



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WEB COPY (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.

06.06.2025

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



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WEB COPY

To

1.The Judicial Magistrate at Tirukoilur

2.Inspector of Police
Tirukoilur Police Station
Kallakurichi District

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
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