



Crl.R.C.No.648 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2025

CORAM:

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

Crl.R.C.No.648 of 2025

Rajagopal

..... Petitioner

Vs

State rep. by
Inspector of Police
Tirukoilur Police Station
Kallakurichi District

..... 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.444 of 2025 on the file of Judicial Magistrate at Tirukoilur and set aside the same and subsequently grant interim custody of vehicle namely Tipper Lorry bearing No.TN 28 BK 8539 to the petitioner.

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

ORDER

This Criminal Revision has been filed challenging the order passed in Crl.M.P.No.444 of 2025 dated 03.04.2025 on the file of Judicial Magistrate, Thirukoilur, thereby dismissing the petition filed for return of vehicle namely



Crl.R.C.No.648 of 2025

Tipper Lorry bearing Registration No. TN 28 BK 8539.

WEB COPY

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and also perused the materials available on record.

3. The petitioner owned a Tipper Lorry bearing Registration No.TN 28 BK 8539. Pursuant to the registration of FIR in Crime No.84 of 2025, on the file of the respondent Police, the Tipper Lorry owned by the petitioner was seized by the respondent alleging that the Driver of the Tipper Lorry was illegally transporting 3 units of gravel sand without any permission or license. The case has been registered for the offence punishable under Section 303(2) of B.N.S Act 2023 r/w 21(1) of Mines and Minerals (Development of Regulation) Act 1957, as against the Driver of the Tipper Lorry and others. The petitioner is arrayed as A2. The said vehicle was produced before the Judicial Magistrate, Tirukoilur.

4. The learned Government Advocate (Crl.side) would submit that after completion of investigation, a final report has been filed before the Judicial Magistrate, Thirukoilur on 29.03.2025 and it is pending for taking



Crl.R.C.No.648 of 2025

cognizance.

WEB COPY

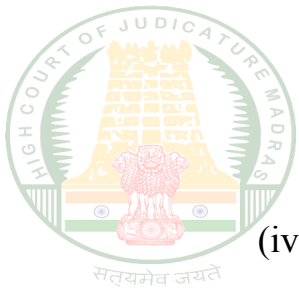
5. Even according to the case of the prosecution, the petitioner had transported 3 units of gravel sand from his patta land.

6. In view of the above, this Court is inclined to return the vehicle to the petitioner and accordingly, the order passed in Crl.M.P.No.444 of 2025 dated 03.04.2025 by the Judicial Magistrate, Tirukoilur, is hereby set aside. The Judicial Magistrate, Tirukoilur, is directed to return the Tipper Lorry bearing Registration No.TN 28 BK 8539 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.84 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.



Crl.R.C.No.648 of 2025

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

WEB 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.

05.06.2025

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

To
1.The Judicial Magistrate
Tirukoilur.

2. Inspector of Police
Tirukoilur Police Station
Kallakurichi District

3. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.R.C.No.648 of 2025

G.K.ILANTHIRAIYAN, J.
uma

Crl.R.C No.648 of 2025

05.06.2025