



Crl.R.C.No.652 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.652 of 2025

Maheshkumar

..... Petitioner

Vs

State rep. by
The Inspector of Police
Amaravathi Nagar Police Station
Tiruppur District

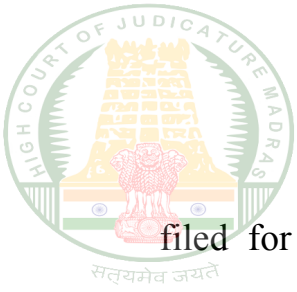
..... Respondent

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.60 of 2025 dated 04.02.2025 on the file of learned Judicial Magistrate-I, Udumalpet, Tiruppur District.

For Petitioner : Mr.M.N.Balakrishnan
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.60 of 2025 dated 04.02.2025 by the learned Judicial Magistrate-I, Udumalpet, Tiruppur District, thereby dismissing the petition



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filed for return of vehicle namely Hitach Hydraulic Excavator KOBELCO

Machine S.No.YN15B 1138.

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 Hitach Hydraulic Excavator KOBELCO Machine S.No.YN15B 1138. Pursuant to the registration of FIR in Crime No.120 of 2024, on the file of the respondent Police, the Hitach Hydraulic Excavator KOBELCO Machine owned by the petitioner was seized by the respondent alleging that the Driver of the said vehicle was illegally transporting 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 & Regulation) Act 1957, as against the Driver and others. The petitioner is arrayed as A4. The said vehicle was produced before the Judicial Magistrate-I, Udumalpet, Tiruppur District.

4. The learned Government Advocate (Crl.side) would submit that the entire investigation in Crime No.120 of 2024 has been completed and filed



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a final report before the Judicial Magistrate-I, Udumalpet, Tiruppur District and

the same has been taken cognizance in C.C.No.102 of 2025.

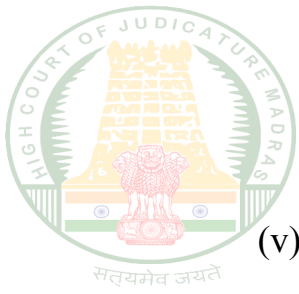
5. In view of the above, this Court is inclined to return the vehicle to the petitioner and accordingly, the order passed in Crl.M.P.No.60 of 2025 dated 04.02.2025 by the Judicial Magistrate-I, Udumalpet, Tiruppur District, is hereby set aside. The Judicial Magistrate-I, Udumalpet, Tiruppur District, is directed to return the Hitach Hydraulic Excavator KOBELCO Machine S.No.YN15B 1138 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.120 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 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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(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.

05.06.2025

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

1. The Judicial Magistrate-I
Udumalpet,
Tiruppur District.

2. The Inspector of Police
Amaravathi Nagar Police Station
Tiruppur District

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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