



CrI.RC.No.904of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CrI.RC.No.904 of 2025

Vignesh
S/o. Veerapathiran
No.3/07, Kalkoil,
Mandalanayagunda Village & Post,
Tirupattur Taluk & District.

...Petitioner

Vs.

State Represented by
The Sub-Inspector of Police,
Kandhili Police Station,
Tirupattur District.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w. 442 of BNSS, 2023, to call for the records on the file of the learned Judicial Magistrate No.II, Tirupattur, Tirupattur District in CrI.M.P.No.248/2025 dated 26.02.2025 and set aside the order.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Gopinath

Government Advocate (CrI.side)



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ORDER

WEB COPY This Criminal Revision has been filed as against the order passed by the learned Judicial Magistrate No.II, Tirupattur, Tirupattur District in CrI.M.P.No.248/2025 dated 26.02.2025, thereby dismissing the petition to return the property.

2. Heard both sides and perused the materials available on record.

3. The petitioner owned a vehicle *TAFE Tractor Trailer* bearing registration number TN 83 MD 2985. The case of the prosecution is that on 19.12.2024 when the *de facto* complainant and his subordinates were in routine duty for preventing the illegal transportation of mines and minerals, they found the petitioner's vehicle which was driven by a driver, was in possession of three units of gravel. The said vehicle was seized in pursuant to registration of FIR in Cr.No.625/2024 for the offences under Section 305(e), 326(a) BNS r/w. 21(1) MMDR Act. The petitioner who is the owner of the vehicle filed a petition before the trial Court to return the property. However, the said petition was dismissed.



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4. It is seen from the records that the petitioner is arrayed as A1. The petitioner filed an application seeking return of the vehicle and the same was dismissed by the Trial Court. Admittedly, the petitioner's vehicle has transported three units of gravel from a private land. However, the Trial Court, without considering the same, dismissed the application.

5. In view of the above this Court is inclined to return the vehicle to the petitioner and accordingly, the order dated 26.02.2025 in CrI.M.P.No.248/2025 on the file of the Judicial Magistrate No.II, Tirupattur, is hereby set aside. The learned Judicial Magistrate No.II, Tirupattur, is directed to return the vehicle *TAFE Tractor Trailer* bearing registration number TN 83 MD 2985 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 Judicial Magistrate No.II, Tirupattur, to the credit of Crime No.625 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.



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(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 to 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.

26.06.2025

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



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WEB COPY To
1. The Judicial Magistrate No.II, Tirupattur

2. The Sub-Inspector of Police,
Kandhili Police Station,
Tirupattur District.

3. The Public Prosecutor

High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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