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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2025

CORAM:

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

Crl.R.C.No.764 of 2025

Sakthivel ..... Petitioner

Vs

The Inspector of Police
Keevalur Police Station
crime No.13 of 2025
U/s 303(2) BNS Act and
21(1) of Mines and Minerals (Development & Regulation) Act
..... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS Act, 2023, praying to set aside the impugned order dated 24.03.2025 passed by the learned District Munsif cum Judicial Magistrate Court at Kilvelur in Crl.MP.no.77 of 2025 in crime No.13 of 2025 and consequently direct the District Munsif cum Judicial Magistrate, Kilvelur to release the vehicle bearing TN 28 AH 5031 towards the interim custody of the petitioner.

For Petitioner : Mr.S.Nirmal Aditya

For Respondent : Mr.A.Gopinath,
Government Advocate(crl.side)

O R D E R

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This Criminal Revision has been filed against the order dated 24.03.2025 passed by the learned District Munsif cum Judicial Magistrate Court at Kilvelur in Crl.MP.no.77 of 2025, thereby the petition filed for seeking to return the vehicle bearing Reg.No.TN 28 AH 5031 was dismissed.

2. The petitioner owns Ashok Leyland Lorry bearing registration No.TN 28 AH 5031 and had illegally transported three units of ordinary sand from his patta land without any permission, pursuant to which FIR was registered against the petitioner in crime No.13 of 2025 for the offences punishable under Sections 303(2) BNS Act and 21(1) of Mines and Minerals (Development & Regulation) Act. Thereafter, the vehicle as well as the ordinary sand were seized and deposited before the trial court. Therefore, the petitioner filed petition to return the vehicle. However, the petition was dismissed.

3. Admittedly, the petitioner had transported ordinary sand weighing 3 units from his patta land. Therefore, this Court is inclined to return the vehicle to the petitioner. Accordingly, the order dated 24.03.2025 passed by the learned District Munsif cum Judicial Magistrate Court at Kilvelur in Crl.MP.no.77 of 2025, is hereby set aside. The learned District Munsif cum Judicial Magistrate Court at Kilvelur, is directed to return the Ashok Leyland Lorry bearing

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registration No.TN 28 AH 5031 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.13 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.

(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.

4. Accordingly, the Criminal Revision Case stands allowed.

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

To
1.The learned District Munsif cum Judicial Magistrate Court at Kilvelur

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2.The Inspector of Police
Keevalur Police Station

3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

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