



Crl.R.C.No.850 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : **20.06.2025**

CORAM:

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

Crl.R.C.No.850 of 2025

S.Kavitha

... Petitioner

Versus

The State
Rep. by the Sub- Inspector of Police,
Velur Police Station,
Namakkal District.
(Crime No.91 of 2025)

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of B.N.S.S, 2023, to set aside the order dated 17.04.2025 in Crl.M.P.No.94 of 2025, on the file of the Judicial Magistrate Court, Paramathi, Namakkal by allowing the present criminal revision petition.

For Petitioner : Mr.Deepan Uday

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

ORDER

This revision petition has been filed against the order passed in Crl.M.P.No.94 of 2025 dated 17.04.2025, dismissing the petition filed seeking return of property.



Crl.R.C.No.850 of 2025

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

3. The petitioner is the owner of the Taurus Truck bearing Registration No.TN-93-A- 3335. The petitioner's husband allegedly transported 5 units of river sand in the said vehicle without obtaining any license or permit.

4. Therefore, the First Information Report in Crime No.91 of 2025 for the offence under Sections 303(2) of the Bharatiya Nyaya Sanhita (B.N.S), 2023, was registered by the respondent. In pursuance to the registration of the First Information Report, the petitioner's vehicle and 5 units river sand were seized by the respondent.

5. After seizing the vehicle and river sand, the same were produced before the Trial Court in C.P.No.74 of 2025 on 04.06.2025. Even then the respondent failed to produce the said vehicle to the petitioner. The petitioner, being the owner of the Taurus Truck, filed a petition in Crl.M.P.No.94 of 2025 under Section 497 of BNSS, for return of the seized vehicle. However, the said petition was dismissed on 17.04.2025.



Crl.R.C.No.850 of 2025

WEB COPY

6. According to the prosecution, the petitioner is not an accused and her husband transported 5 units of river sand from the Cauvery river. Further the provision under Section 451 of Cr.P.C./497(1) of BNSS provides for protection of the property from degradation due to non-maintenance in the custody of the police, as it takes long time for conclusion of criminal proceedings. The vehicle has been in broad daylight from the date of seizure, and the trial has commenced. Therefore, no useful purpose will be served in keeping the vehicle parked in the sunlight and rain.

7. In view of the above, this Court is inclined to return the vehicle to the petitioner on condition that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakhs only) as an own bond. Accordingly, the order passed in Crl.M.P.No.94 of 2025 dated 17.04.2025 by the learned Judicial Magistrate, Paramathi, Namakkal, is hereby set aside. The learned Judicial Magistrate, Paramathi, Namakkal, is directed to return the Taurus Truck bearing Registration No.TN-93-A- 3335 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



WEB COPY



Crl.R.C.No.850 of 2025

only) to the satisfaction of the concerned Magistrate to the credit of Crime No.91 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; and

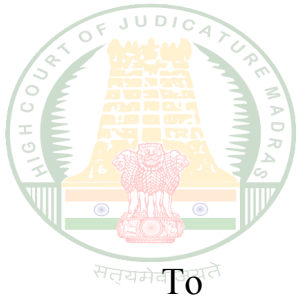
(vi) If any of the conditions are violated, this order automatically stands cancelled.

8. With the above observations and directions, this Criminal Revision Case is allowed.

20.06.2025

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

klt



Crl.R.C.No.850 of 2025

To
WEB COPY

1. The Judicial Magistrate Court, Paramathi, Namakkal.
2. The Sub- Inspector of Police,
Velur Police Station, Namakkal District.
(Crime No.91 of 2025)
3. The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.R.C.No.850 of 2025

G.K.ILANTHIRAIYAN, J.

klr

Crl.R.C.No.850 of 2025

20.06.2025