



*CrI.R.C.No. 858 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

CORAM:

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

CrI.R.C.No. 858 of 2025

Vembaiyan

... Petitioner

Vs

State through the  
Inspector of Police,  
Manalmedu Police Station,  
Mayiladuthurai  
Cr.No.128 of 2024

... Respondent

**PRAYER:** Criminal Revision Case is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 09.01.2025 in CrI.M.P.No.4279 of 2025 passed by the Judicial Magistrate No.I, Mayiladuthurai and direct the respondent to release the petitioner's impounded above vehicle in Crime No.228 of 2024.

For Petitioner : Mr.N.Mahendra Babu

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

**ORDER**

This Criminal Revision Case has been filed challenging the order dated 09.01.2025 passed in CrI.M.P.No.4279 of 2025 on the file of the Judicial Magistrate No.I, Mayiladuthurai, thereby dismissing the petition



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filed for return of vehicle viz., Tractor and Tipper bearing Registration No.

WEB **TN-61-C-5405.**

2. The petitioner is the owner of a Tractor and Tipper bearing Registration No.TN-61-C-5405, which was alleged to have been used for the illegal transportation of one unit of Savudu sand from the patta land. Based on the complaint, an FIR was registered in Crime No.228 of 2024 for the offence punishable under Sections 303(2) of the Bharatiya Nyaya Sanhita 2023 read with 21(1) of Mines & Minerals (Development and Regulation) Act, 1957. Pursuant to the registration of the FIR, the vehicle was seized and produced before the Trial Court. Therefore, the petitioner filed a petition seeking return of the property, which was dismissed by the Trial Court.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. It is seen from the records that the petitioner has been arrayed an accused in this case. Admittedly, the petitioner transported one unit of Savudu sand, that too from the patta land. However, the Trial Court, without considering the same, dismissed the application seeking return of the vehicle.

5. In view of the above, this Court is inclined to return the vehicle



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to the petitioner and accordingly, the order 09.01.2025 passed in

**WEB CRI** CrI.M.P.No.4279 of 2025 on the file of the Judicial Magistrate No.I, Mayiladuthurai, is hereby set aside. The Judicial Magistrate No.I, Mayiladuthurai, is directed to return the vehicle viz., Tractor and Tipper bearing Registration No.TN-61-C-5405, to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.228 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.

(v) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;



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(vi) If any of the conditions are violated, this order

WEB COPY automatically stands cancelled.

7. Accordingly, the Criminal Revision Case stands allowed.

23.06.2025

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

To

1. The Judicial Magistrate No.I,  
Mayiladuthurai.

2. The Inspector of Police,  
Manalmedu Police Station,  
Mayiladuthurai

3. The Public Prosecutor,  
High Court, Madras.



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**G.K.ILANTHIRAIYAN, J.**  
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