



Crl.R.C.No.1216 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2025

CORAM:

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

Crl.R.C.No.1216 of 2025

Saranya

..... Petitioner

Vs

State Rep. by Inspector of Police
Keelaiyur Police Station
Nagapattinam District
(crime No.218 of 2024)

..... Respondent

PRAYER:

Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023, praying to call for the records in Crl.MP.No.74 of 2025 order dated 20.03.2025 on the file of the District Munsif cum Judicial Magistrate, Kilvelur and set aside the same, subsequently grant interim custody of the vehicle namely Escort Tractor bearing Registration No.TN 51 AQ 7459 with tipper to the petitioner in connection with the crime No.218 of 2024 on the file of the respondent police.

For Petitioner : Mr.K.Pragadeesh Kumar

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

ORDER



Crl.R.C.No.1216 of 2025

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This Criminal Revision Case has been filed against the order passed in Crl.MP.No.74 of 2025 dated 20.03.2025 on the file of the District Munsif cum Judicial Magistrate, Kilvelur, thereby dismissing the petition filed for seeking interim custody of the petitioner's vehicle-Escort Tractor bearing Registration No.TN 51 AQ 7459.

2. The petitioner is the owner of the vehicle-Escort Tractor bearing Registration No.TN 51 AQ 7459. The case of the prosecution is that on the date of the occurrence, while the defacto complaint was in routine surveillance, the aforesaid vehicle was found to have involved in transportation of 'savudu sand' without valid license or document. Therefore, the respondent registered FIR in crime No.218 of 2024 for the offences punishable under Section 303(2) of BNS, 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Pursuant to the registration of FIR, the respondent seized the aforesaid vehicle and produced before the court concerned. Therefore, the petitioner, being the owner of the said vehicle, filed the petition to return the vehicle before the said court. However, it was dismissed, against which this criminal revision case has been filed.

3. Heard, the learned counsel appearing on either and perused, all the



Crl.R.C.No.1216 of 2025

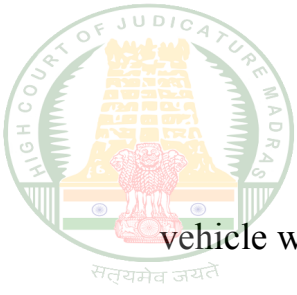
materials placed before this Court.

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4. On perusal of records, it is revealed that the petitioner is admittedly the owner of the aforesaid vehicle and it was involved in transportation of 'savudu sand' without valid license or document. However, the learned counsel for the petitioner requested that the vehicle may be returned to the petitioner on any condition imposed by this Court. Considering his request, this Court is inclined to return the aforesaid vehicle to the petitioner. Accordingly, the impugned order passed in Crl.MP.No.74 of 2025 dated 20.03.2025 on the file of the District Munsif cum Judicial Magistrate, Kilvelur, is hereby set aside. The learned District Munsif cum Judicial Magistrate, Kilvelur is directed to return the vehicle-Escort Tractor bearing Registration No.TN 51 AQ 7459 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.218 of 2024 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original registration certificate of the



Crl.R.C.No.1216 of 2025

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 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.

5. Accordingly, the Criminal Revision Case stands allowed.

28.07.2025

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



Crl.R.C.No.1216 of 2025

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To

1.The learned District Munsif cum Judicial Magistrate, Kilvelur

2.Inspector of Police
Keelaiyur Police Station
Nagapattinam District

3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



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Crl.R.C.No.1216 of 2025

lok

Crl.R.C.No.1216 of 2025

28.07.2025