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Crl.RC.No.902 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.06.2025

CORAM:

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

Crl.RC.No.902 of 2025

V.Chandrasekaran
S/o. Veeramuthu
No.1/30, Kadambankurichi,
P, Kadambankurichi,
Karur District.

...Petitioner

Vs.

State Represented by
The Sub-Inspector of Police,
Velur Police Station,
Namakkal District.
(Crime No.149 of 2024)

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w. 442 of BNSS, 2023, to set aside the order dated 02.05.2025 passed in Crl.M.P.No.117 of 2025 on the file of the Judicial Magistrate Court, Paramathi, Namakkal by allowing the present criminal revision.

For Petitioner : Mr.Deepanuday

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER



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This Criminal Revision has been filed as against the order dated 02.05.2025 passed in Crl.M.P.No.117 of 2025 on the file of the Judicial Magistrate Court, Paramathi, Namakkal, thereby dismissing the petition to return the property.

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

3. The petitioner owned a car *Mahindra Bolero Pickup* bearing registration number TN47 AQ 0874. The said vehicle was seized in pursuant to registration of FIR in Cr.No.149 of 2024 for the offences under Section 379 IPC alleging that the said vehicle was found in possession of $\frac{1}{4}$ unit of river sand without license or permit. 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 on the ground that the vehicle was used for transporting river sand without permit.

4. It is seen from the records that the petitioner is not an accused in Cr.No.149/2024. Admittedly, the petitioner's vehicle was used for transporting quarter unit of river sand and the same was driven by a driver



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and not by the petitioner.

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5. Considering the above facts and circumstances and also the quantity of river sand which was alleged to be possessed by the petitioner's vehicle, this Court is inclined to return the vehicle to the petitioner and accordingly, the order dated 02.05.2025 passed in Crl.M.P.No.117 of 2025 on the file of the Judicial Magistrate Court, Paramathi, Namakkal, is hereby set aside. The learned Judicial Magistrate, Paramathi, Namakkal, is directed to return the vehicle *Mahindra Bolero Pickup* bearing registration number TN47 AQ 0874 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 Court, Paramathi, Namakkal, to the credit of Crime No.149 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.



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(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
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WEB COPY To
1. The Judicial Magistrate Court, Paramathi, Namakkal.

2. The Sub-Inspector of Police,
Velur Police Station,
Namakkal District.

3. The Public Prosecutor

High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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