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CrI.R.C.No. 959 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM:

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

CrI.R.C.No. 959 of 2025

A.Selvakumar

..... Petitioner

Vs

The State by Inspector of Police,
Konganapuram Police Station,
Salem District.

Crime No.236 of 2025

..... Respondent

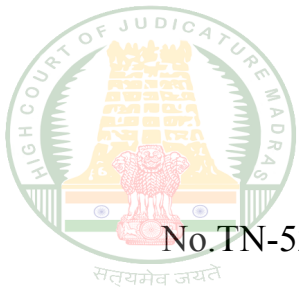
PRAYER: Criminal Revision Case is filed under Section 438 r/w 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 17.06.2025 made in C.M.P.No.187 of 2025 on the file of the District Munsif cum Judicial Magistrate, Edappadi, by allowing this Criminal Revision Petition.

For Petitioner : Mr.A.Saravanan

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

ORDER

This Criminal Revision Case has been filed challenging the order dated 17.06.2025 passed in C.M.P.No.187 of 2025 on the file of the District Munsif-cum-Judicial Magistrate, Edappadi, thereby dismissing the petition filed for return of vehicle viz., Ashok Leyland Tipper bearing Registration



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No.TN-52-Q-7005.

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2. The petitioner is the owner of an Ashok Leyland Tipper bearing Registration No.TN-52-Q-7005, which was alleged to have been used for the illegal transportation of four units of rough stone from private land. During a routine vehicle inspection, the respondent found the petitioner in possession of four units of rough stone. Subsequently, the respondent police registered an FIR in Crime No.236 of 2025 for the offence punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 21(1) of Mines & Minerals (Development and Regulation) Act, 1957. Pursuant to the registration of the FIR, the vehicle, along with the rough stone, was seized and produced before the Trial Court. Thereafter, the petitioner filed a petition seeking return of the vehicle. However, the Trial Court dismissed the said petition on the ground that the vehicle was involved in an offence under MMDA Act, and therefore, it has been confiscated.

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



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an accused in this case. Admittedly, the petitioner transported four units of

rough stone, that too from private land. However, the Trial Court, without considering the same, dismissed the application seeking return of the vehicle.

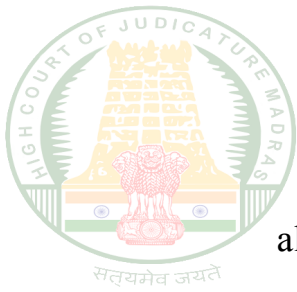
5. In view of the above, this Court is inclined to return the vehicle to the petitioner and accordingly, the order 17.06.2025 passed in C.M.P.No.187 of 2025 on the file of the District Munsif-cum-Judicial Magistrate, Edappadi, is hereby set aside. The District Munsif-cum-Judicial Magistrate, Edappadi, is directed to return the vehicle viz., Ashok Leyland Tipper bearing Registration No.TN-52-Q-7005, to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute a personal 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.236 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



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alteration in the vehicle.

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(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.

7. Accordingly, the Criminal Revision Case stands allowed.

02.07.2025

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

To
1. The District Munsif-cum-Judicial Magistrate,
Edappadi.

2. The Inspector of Police,
Konganapuram Police Station,
Salem District.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
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