



WEB COPY



Crl.RC.No.960 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.07.2025

CORAM:

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

Crl.RC.No.960 of 2025

S.Madhaiyan
S/o. Shellappan
D.No.7/184A, Thadapuram,
Edappadi,
Salem – 637 105.

...Petitioner

Vs.

State Represented by
The Inspector of Police,
Edapadi Police Station,
Salem District.
Cr.No.250 of 2025

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w. 442 of BNSS, 2023, to set aside the order dated 24.06.2025 made in C.M.P.No.212 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 (Crl.side)



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ORDER

WEB COPY This Criminal Revision has been filed as against the order dated 24.06.2025 made in C.M.P.No.212 of 2025 passed by the learned District Munsif Cum Judicial Magistrate, Edappadi, thereby dismissing the petition to return the property.

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

3. The petitioner owned a vehicle *Ashok Leyland Tipper Lorry* bearing registration number TN 57 AD 8340 which was allegedly involved in transporting four units of gravel soil without any valid permission.

4. Based on the complaint, FIR has been registered in Crime No.250/2025 for the offences punishable under Sections 303(2) of BNS and Section 21(1) of M.M.D.R.Act. Pursuant to the registration of the FIR, the vehicle has been seized and the same was deposited before the District Munsif cum Judicial Magistrate, Edappadi.



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5. It is seen from the records that the petitioner is arrayed as A1. The petitioner filed an application seeking return of the vehicle and the same was dismissed by the trial Court. Admittedly the petitioner had transported four units of gravel sand from a private land. However, the Trial Court without considering the same, dismissed the application.

6. In view of the above this Court is inclined to return the vehicle to the petitioner and accordingly, the order dated 24.06.2025 made in C.M.P.No.212 of 2025 on the file of the District Munsif Cum Judicial Magistrate, Edappadi, is hereby set aside. The learned District Munsif Cum Judicial Magistrate, Edappadi, is directed to return the vehicle *Ashok Leyland Tipper Lorry* bearing registration number TN 57 AD 8340 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 District Munsif Cum Judicial Magistrate, Edappadi, to the credit of Crime No.250 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.



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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 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.

03.07.2025

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



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WEB COPY To
1. The District Munsif Cum Judicial Magistrate, Edappadi.

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

3. The Public Prosecutor

High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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