



Crl.R.C.No. 1083 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2025

CORAM:

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

Crl.R.C.No. 1083 of 2025

C.Palanisamy

.... Petitioner

Vs

The State rep. by
The Station House Officer,
Thirukoilur Police Station,
Thirukoilur.
Crime No.453 of 2024

.... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order dated 07.01.2025 in Crl.M.P.No.03 of 2025 in Crime No.453 of 2024 passed by the learned Judicial Magistrate, Tirukoilur.

For Petitioner : Mr.P.Kannan
For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed challenging the order dated 07.01.2025 passed in Crl.M.P.No.03 of 2025 by the learned Judicial Magistrate, Tirukoilur, thereby dismissing the petition filed for return of the vehicle viz., JCB bearing Registration No.TN-28-BJ-3909.

2. The petitioner is the owner of a JCB bearing registration



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No.TN-28-BJ-3909, which was allegedly used for taking sand from the lake.

When the petitioner and the petitioner's vehicle driver attempted to take away the sand from the lake, the respondent found a lorry, which was loading the lake sand. Hence, the complaint.

3. Based on the complaint, an FIR was registered in Crime No.453 of 2024 for the offences punishable under Sections 303(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and Section 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. Thereafter, the petitioner filed a petition seeking return of the said vehicle, which was dismissed by the Trial Court. Aggrieved by the same, the present criminal revision petition has been filed.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the driver of the lorry had already been involved in three similar cases. However, the petitioner had not been involved in any case. Even according to the case of the prosecution, the vehicle was used to transport the lake sand.

5. Heard the learned counsel appearing on either side and perused



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the materials available on record.

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6. Considering the facts and circumstances of the case and also taking note of the fact that the vehicle was used to transport lake sand, this Court is inclined to order the return of the vehicle to the petitioner. Accordingly, the order dated 07.01.2025 passed in Crl.M.P.No.03 of 2025 by the learned Judicial Magistrate, Tirukoilur, is hereby set aside. The Judicial Magistrate, Tirukoilur, is directed to return the vehicle viz., JCB bearing Registration No.TN-28-BJ-3909 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 Court to the credit of Crime No.45 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



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any 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.

15.07.2025

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

1. The Judicial Magistrate,
Tirukoilur.

2. The Station House Officer,
Thirukoilur Police Station,
Thirukoilur.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
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