



*Crl.R.C.No.1570 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM:

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

Crl.R.C.No.1570 of 2023

Vasantha Kumar

..... Petitioner

Vs

The State rep by  
The Sub Inspector of Police,  
Varapalayam Police Station,  
Varapalayam Post,  
Erode District.  
Crime No.104 of 2022

..... Respondent

**PRAYER:** Criminal Revision Case is filed under Sections 397 and 401 of Code of Criminal Procedure, to set side the order of dismissal made in Crl.M.P.No.1022 of 2023 on the file of the Judicial Magistrate No.II, Gobichettipalayam, Erode District dated 31.03.2023 and to allow the petition for interim custody of Ashok Leyland Tipper bearing Registration No.TN-34-F-4768 to the petitioner.

For Petitioner : Mr.D.Veerasekharan

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



*Crl.R.C.No.1570 of 2023*

### **ORDER**

This Criminal Revision has been filed challenging the order dated

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31.03.2023 passed in Crl.M.P.No.1022 of 2023 on the file of the Judicial Magistrate No.II, Gobichettipalayam, Erode District, thereby dismissing the petition seeking return of the property, viz., Ashok Leyland Tipper Lorry bearing Registration No.TN-34-F-4768.

2. The petitioner is the owner of the vehicle, viz., Ashok Leyland Tipper Lorry bearing Registration No.TN-34-F-4768. The petitioner transported 15 tonnes of rock stone without any permission or license. During a routine check up conducted by the Tahsildar, Nambiyur, it was found that the petitioner had illegally transported 15 tonnes of rock stone without a valid permit. Consequently, an FIR was registered in Crime No.104 of 2022 for the offence punishable under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in which, the petitioner was arrayed as A2. Pursuant to the registration of the FIR, the lorry, along with the rock stone, was seized and produced before the Judicial Magistrate No.II, Gobichettipalayam. Thereafter, the petitioner filed a petition seeking return of the vehicle, which was dismissed by the Trial Court. However, there is a discrepancy between the chassis number on the vehicle and the one mentioned in the registration certificate.



*Crl.R.C.No.1570 of 2023*

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

the materials available on record.

4. Admittedly, the petitioner is the owner of the lorry in question.

A perusal of the registration certificate reveals that the chassis number is YPE622124 and the engine number is YPE466077. Further, there is no rival claim over the said vehicle. That apart, the petitioner had transported only rock stone, that too from the private land. Therefore, the order passed by the Trial Court cannot be sustained and is liable to be set aside.

5. In view of the above, this Court is inclined to return the vehicle to the petitioner and accordingly, the order 31.03.2023 passed in Crl.M.P.No.1022 of 2023 on the file of the Judicial Magistrate No.II, Gobichettipalayam, is hereby set aside. The Judicial Magistrate No.II, Gobichettipalayam, is directed to return the vehicle viz., Ashok Leyland Tipper Lorry bearing Registration No.TN-34-F-4768, 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.104 of 2022 pending on the file of the respondent police.



*Crl.R.C.No.1570 of 2023*

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(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 alteration in the vehicle.

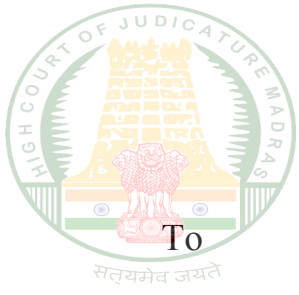
(v) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

(vi) If any of the conditions are violated, this order automatically stands cancelled.

7. Accordingly, the Criminal Revision Case stands allowed.

25.06.2025

Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order  
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*Crl.R.C.No.1570 of 2023*

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1. The Judicial Magistrate No.II,  
Gobichettipalayam.

2. The Sub Inspector of Police,  
Varapalayam Police Station,  
Varapalayam Post,  
Erode District.

3. The Public Prosecutor,  
High Court, Madras.



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*Crl.R.C.No.1570 of 2023*

**G.K.ILANTHIRAIYAN, J.**  
Lpp

Crl.R.C.No.1570 of 2023

25.06.2025