



Crl.R.C.No.1149 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2025

CORAM:

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

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D.Saravanan

..... Petitioner

Vs

State by
The Inspector of Police
Chengalpattu Tauk Police Station
Chengalpattu,
Chengalpattu District
(crime No.255 of 2025)

..... Respondent

PRAYER:

Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023, praying to call for the records insofar relates to Crl.MP.No.1708 of 2025 dated 24.06.2025 on the file of the Judicial Magistrate Court-II, Chengalpattu and set aside the same and consequently directing the Judicial Magistrate-II, Chengalpattu to return back the petitioner's Ashok Leyland Tipper Lorry bearing Registration No.TN 46 AB 7354 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.A.Gopinath,
Government Advocate(crl.side)



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ORDER

This Criminal Revision Case has been preferred against the order passed in Crl.MP.No.1708 of 2025 dated 24.06.2025 on the file of the Judicial Magistrate Court-II, Chengalpattu, thereby dismissing the petition filed seeking for return of the petitioner's vehicle-Ashok Leyland Tipper Lorry bearing Registration No.TN 46 AB 7354.

2. The petitioner is the owner of the vehicle-Ashok Leyland Tipper Lorry bearing Registration No.TN 46 AB 7354. The said lorry was used to transport lake sand as ordered by the District Collector concerned. However, the respondent registered FIR in crime No.383 of 2025 for the offence punishable under Section 305(e) of BNS Act r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Pursuant to the registration of FIR, the respondent seized the vehicle and produced before the court concerned. Therefore, the petitioner, being the owner of the said vehicle, filed the petition to return the vehicle. However, without considering the above facts and circumstances, the said petition was dismissed. Aggrieved by the said order, this criminal revision case has been filed.



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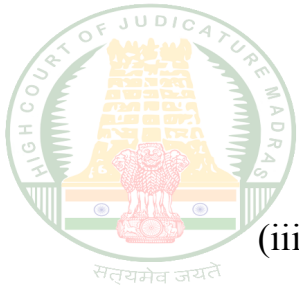
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Heard, the learned counsel appearing on either side and perused, all the materials placed before this Court.

4. On perusal of records, it is revealed that admittedly the petitioner is not an accused and the lorry was used for transportation of lake sand as directed by the District Collector concerned. Therefore, this Court is inclined to return the aforesaid vehicle to the petitioner on certain conditions. Accordingly, the impugned order passed in Crl.MP.No.1708 of 2025 dated 24.06.2025 on the file of the Judicial Magistrate Court-II, Chengalpattu, is hereby set aside. The learned Judicial Magistrate Court-II, Chengalpattu, is directed to return the vehicle-Ashok Leyland Tipper Lorry bearing Registration No.TN 46 AB 7354 to the petitioner forthwith on the following conditions:-

(i) the petitioner is directed to execute a own 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.383 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 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.

5. Accordingly, the Criminal Revision Case stands allowed.

22.07.2025

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



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- 1.The learned Judicial Magistrate Court-II, Chengalpattu
- 2.The Inspector of Police
Chengalpattu Tauk Police Station
Chengalpattu,
Chengalpattu District
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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