



Crl.R.C.No.1406 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2025

CORAM:

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

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Madhan

..... Petitioner

Vs

State rep. by
The Inspector of Police
Kilkodugalore Police Station
Thiruvannamalai District

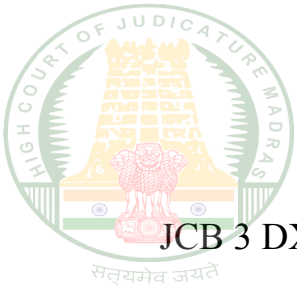
..... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS Act, 2023, to call for the records in Crl.M.P No.473 of 2025 dated 22.04.2025 on the file of Judicial Magistrate, Vandavasi and set aside the same subsequently grant interim custody of the vehicle JCB bearing No.TN 25 AK 3683 to the petitioner.

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

ORDER

This Criminal Revision has been filed challenging the order passed in Crl.M.P.No.473 of 2025 dated 22.04.2025 on the file of Judicial Magistrate, Vandavasi, thereby dismissing the petition filed for return of vehicle namely



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JCB 3 DX BACKHOELOADER bearing Registration No. TN 25 AK 3683.

WEB COPY

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and also perused the materials available on record.

3. The petitioner owned a JCB 3 DX BACKHOELOADER bearing Registration No.TN 25 AK 3683. Pursuant to the registration of FIR in Crime No.43 of 2025, on the file of the respondent Police, the JCB owned by the petitioner was seized by the respondent alleging that the Driver of the JCB was illegally entered into the land of one Mohan and digged 5 feet depth and took saralai sand without any permission or license. The case has been registered for the offence punishable under Section 303(2), 326 BNS and Section 21(1) of Mines and Minerals (Development of Regulation) Act 1957, as against the Driver of the JCB and others. The petitioner is arrayed as A1. The said vehicle was produced before the Judicial Magistrate, Vandavasi.

4. The learned Government Advocate (Crl.side) would submit that now investigation is in progress and a final report is yet to be filed.



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5. Admittedly, the petitioner used the vehicle to dig up saralai sand

in the patta land which belongs to a private person.

6. In view of the above, this Court is inclined to return the vehicle to the petitioner and accordingly, the order passed in Crl.M.P No.473 of 2025 dated 22.04.2025 by the file of Judicial Magistrate, Vandavasi, is hereby set aside. The Judicial Magistrate, Vandavasi, is directed to return the JCB 3 DX BACKHOELOADER bearing Registration No.TN 25 AK 3683 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.43 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 alteration in the vehicle.



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G.K.ILANTHIRAIYAN, J.

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WEB COPY (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.

13.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
1. The Judicial Magistrate
Vandavasi

2. The Inspector of Police
Kilkodugalore Police Station
Thiruvannamalai District

3. The Public Prosecutor,
High Court, Madras.

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