



CrI.R.C.No.1233 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2025

CORAM:

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

CrI.R.C.No.1233 of 2025

A.Mouleeswari

..... Petitioner

Vs

The State by Inspector of Police
Poolampatti Police Station
Salem District
(crime No.176 of 2025)

..... Respondent

PRAYER:

Criminal Revision Case filed under Section 438 r/w 447 of BNSS, 2023,
praying to set aside the order dated 17.07.2025 made in CMP.No.230 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)

ORDER

This Criminal Revision Case has been filed against the order dated
17.07.2025 passed in CMP.No.230 of 2025 on the file of the District Munsif
cum Judicial Magistrate, Edappadi, thereby dismissing the petition filed for



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seeking interim custody of the petitioner's vehicle-JCB India Ltd, Registration No.TN 52 AD 3908 (Engine No.H00434164) and Chassis No.HAR3DXS4L03390283).

2. The petitioner is the owner of the vehicle-JCB India Ltd, Registration No.TN 52 AD 3908 (Engine No.H00434164) and Chassis No.HAR3DXS4L03390283). On the date of the occurrence, on inspection of the Zonal Deputy Tahsildar of Sithur 2 bit Village, Salem along with officers, the aforesaid vehicle was found to have involved in illegal excavation of red soil from the private land of Accused 1 & 2. It was found that soil was excavated to the volume of 25 meters depth and 10 meters breadth without valid permit. Therefore, the respondent registered FIR in crime No.176 of 2025 under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 303(2) of BNS Act, 2023 on 04.04.2025. Pursuant to the registration of FIR, the respondent seized the aforesaid vehicle and produced before the court concerned. Therefore, the petitioner, being the owner of the said vehicle, filed the petition to return the vehicle before the said court. However, it was dismissed, against which this criminal revision case has been filed.

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



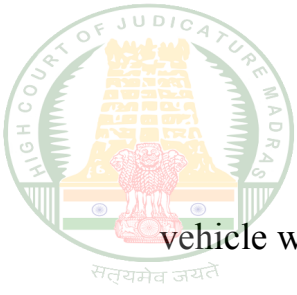
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4. On perusal of records, it is revealed that there are totally four accused, in which the petitioner is arrayed as A4. Admittedly the petitioner is the owner of the aforesaid vehicle and he was engaged by the other accused persons to do the aforementioned illegal transportation of red soil. Further, the learned counsel for the petitioner requested that the vehicle may be returned to the petitioner on any condition imposed by this Court. Considering his request, this Court is inclined to return the aforesaid vehicle to the petitioner. Accordingly, the impugned order dated 17.07.2025 made in CMP.No.230 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-JCB India Ltd, Registration No.TN 52 AD 3908 (Engine No.H00434164) and Chassis No.HAR3DXS4L03390283) 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.176 of 2025 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original registration certificate of the



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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.

28.07.2025

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

1.The District Munsif cum Judicial Magistrate, Edappadi

2.Inspector of Police
Poolampatti Police Station
Salem District

3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

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