



Crl.R.C.No.1581 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

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Sivagandan

... Petitioner

Vs

State Rep. By

The Sub-Inspector of Police,
Vridhachalam Police Station,
Cuddalore District.

Crime No.1036 of 2020

... Respondent

PRAYER: Criminal Revision Case is filed under Sections 438 read with 442 of BNSS, 2023, to set aside the order in Crl.M.P.No.2059 of 2023 in Crime No.1036 of 2023 on the file of the Learned Judicial Magistrate No.1, Vridhachalam, dated 28.07.2023 and return of the Vehicle to the petitioner herein.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER

This Criminal Revision has been filed challenging the order dated 28.07.2023 made in Crl.M.P.No.2059 of 2023 passed by the Judicial Magistrate No.1, Vridhachalam, thereby dismissing the petition filed for return of property.



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2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The petitioner owned a Tipper Lorry bearing Registration No.TN 48 K 2165. It was hired by the accused to transport gravel sand weighing two units. The accused illegally transported the same without any valid permit and as such, the respondent registered FIR in Crime No.1036 of 2020 for the offence punishable under Sections 430 and 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

4. Pursuant to the registration of FIR, the vehicle has been seized and produced before the Court. Though the petitioner is the owner of the vehicle, he has been arrayed as an accused. He filed a petition for return of property and the same was dismissed.

5. Considering the facts and circumstances of the case, this Court is inclined to return the vehicle. Accordingly, the order dated 28.07.2023 made in Crl.M.P.No.2059 of 2023 passed by the Judicial Magistrate No.1, Vridhachalam, is hereby set aside. The Judicial Magistrate No.1, Vridhachalam, is directed to return the Tipper Lorry bearing Registration No.TN 48 K 2165 to



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the petitioner, forthwith on the following conditions:-

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(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.1036 of 2020 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.

(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.



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6. Accordingly, the Criminal Revision Case stands allowed.

05.08.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To

1. The Judicial Magistrate No.1, Vridhachalam.
2. The Sub-Inspector of Police,
Vridhachalam Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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