



Crl.R.C.No.1412 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2025

CORAM:

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

Crl.R.C.No.1412 of 2025

Kumar @ Kutty

..... Petitioner

Vs

State rep. by
The Sub Inspector of Police
Poolampatti Police Station
Salem District.
Crime No.167 of 225

..... Respondent

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C / 438 r/w 442 of BNSS Act, 2023, to set aside the order passed in Crl.M.P No.232 of 2025 dated 22.07.2025 on the file of District Munsif cum Judicial Magistrate, Edapadi and direct the respondent herein to release the ASHOK LEYLAND Tipper lorry bearing Registration No.TN 43 E 6746 to the petitioner which was seized by the respondent herein.

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

ORDER



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This Criminal Revision has been filed challenging the order passed in Crl.M.P.No.232 of 2025 dated 22.07.2025 on the file of the District Munsif cum Judicial Magistrate, Edapadi, thereby dismissing the petition filed for return of vehicle namely ASHOK LEYLAND Tipper lorry bearing Registration No.TN 43 E 6746.

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 Ashok Leyland Tipper Lorry bearing Registration No.TN 43 E 6746. Pursuant to the registration of FIR in Crime No.167 of 2025, on the file of the respondent Police, the Tipper Lorry owned by the petitioner was seized by the respondent alleging that the Driver of the Tipper Lorry was illegally transporting 1 unit of savudu sand without any permission or license. The case has been registered for the offence punishable under Section 303(2) of BNS Act, as against the Driver of the Tipper Lorry and others. The petitioner is arrayed as A2. The said vehicle was produced before the District Munsif cum Judicial Magistrate, Edapadi.



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4. The learned Government Advocate (Crl.side) would submit that

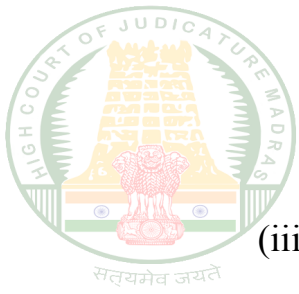
now investigation is in progress and a final report is yet to be filed.

5. Even according to the case of the prosecution, the petitioner had transported 1 unit of savudu sand from his patta land.

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.232 of 2025 dated 22.07.2025 by the file of the District Munsif cum Judicial Magistrate, Edapadi, is hereby set aside. The District Munsif cum Judicial Magistrate, Edapadi, is directed to return the Ashok Leyland Tipper Lorry bearing Registration No.TN 43 E 6746 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.167 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.

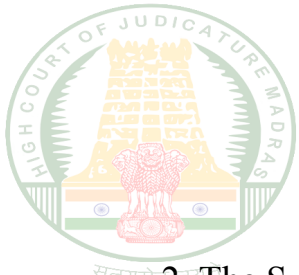
7. Accordingly, the Criminal Revision Case stands allowed.

13.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
1.The District Munsif cum Judicial Magistrate, Edapadi,

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2. The Sub Inspector of Police
Poolampatti Police Station
Salem District.

3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.
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