



Crl.R.C.No.1616 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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C.Nachimuthu

... Petitioner

Vs

State By
The Inspector of Police,
Avinashi Police Station,
Avinashi,
Tiruppur District.
(Cr.No.120 of 2024)

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 read with 441 of BNSS, 2023, to call for the entire records relating to the order passed in Crl.M.P.No.166 of 2024 dated 26.04.2024 on the file of the Judicial Magistrate, Palladam, Tiruppur district and set aside the same and consequently directing the Judicial Magistrate, Palladam, Tiruppur district to return back the petitioners Tipper lorry bearing Registration No. TN 37 BJ 8474 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER

This Criminal Revision has been filed challenging the order dated



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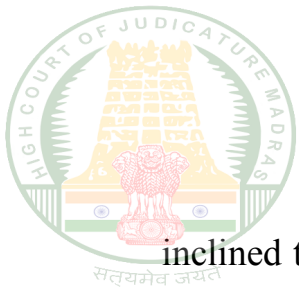
26.04.2024 made in Crl.M.P.No.166 of 2024 passed by the Judicial Magistrate, Palladam, Tiruppur district, thereby dismissing the petition filed for return of property.

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

3. The petitioner owned a Ashok Leyland Tipper Lorry bearing registration No.TN 37 BJ 8474. It was hired by the accused to transport gravel sand weighing 1200 units. The accused illegally transported the same without any valid permit and as such, the respondent registered FIR in Crime No.120 of 2024 for the offence punishable under Section 379 of IPC and Section 21(1) of Mines and Mineral (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 A2. 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



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inclined to return the vehicle. Accordingly, the order dated 26.04.2024 made in

Crl.M.P.No.166 of 2024 passed by the Judicial Magistrate, Palladam, Tiruppur district, is hereby set aside. The Judicial Magistrate, Palladam, Tiruppur district, is directed to return the Ashok Leyland Tipper Lorry bearing registration No.TN 37 BJ 8474 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.120 of 2024 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, Palladam, Tiruppur district.
 2. The Inspector of Police,
Avinashi Police Station,
Avinashi,
Tiruppur District.
 3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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