



Crl.R.C.No.1605 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2025

CORAM:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.R.C.No.1605 of 2025

Pushparaj

... Petitioner

Vs

The State Reptd. by its
The Sub-Inspector of Police,
Viruthampet Taluk Police Station,
Vellore District.
Crime No.155 of 2023.

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, to set aside the order passed in C.M.P.No.13648 of 2024 on the file of the Learned Judicial Magistrate No.III, Vellore dated 05.06.2025 and grant interim custody of the Ashok Leyland Bada Dost Vehicle bearing Registration No.TN 73 AH 2262, Engine No.CNH060880P and Chassis No.MBIAA42E4NRCC7638 in favour of the petitioner.

For Petitioner : Mr.R.Raji

For Respondent : Dr.C.E.Pratab
Government Advocate (Criminal Side)



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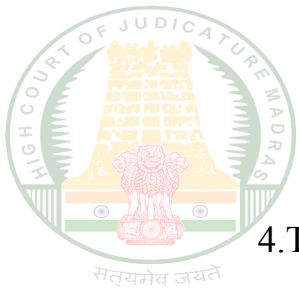
ORDER

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This Criminal Revision Case has been filed challenging the order passed in C.M.P.No.13648 of 2024 dated 05.06.2025 on the file of Judicial Magistrate No.III, Vellore, thereby dismissing the petition filed for return of vehicle namely Ashok Leyland Bada Dost Vehicle bearing Registration No. TN 73 AH 2262.

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

3.The petitioner owned Ashok Leyland Bada Dost Vehicle bearing Registration No.TN 73 AH 2262. Pursuant to the registration of FIR in Crime No.155 of 2023, on the file of the respondent Police, the Ashok Leyland Bada Dost Vehicle owned by the petitioner was seized by the respondent alleging that the driver of Ashok Leyland Bada Dost Vehicle was illegally transporting 1 unit of river sand without any permission or license. The case has been registered for the offence punishable under Sections 379, 430 IPC, as against the driver of the Ashok Leyland Bada Dost Vehicle and others. The said vehicle was produced before the Judicial Magistrate No.III, Vellore.

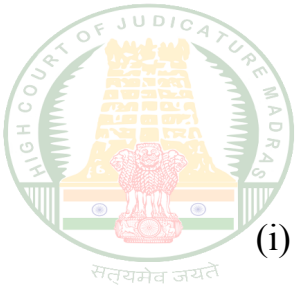


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4.The learned Government Advocate (Criminal side) would submit that the investigation has been completed and no previous case as against the petitioner/accused.

5.Even according to the case of the prosecution, the petitioner had transported 1 unit of river sand. Further the provision under Section 451 of Cr.P.C./497(1) of BNSS provides for protection of the property from degradation due to non maintenance in the custody of the police as it takes long time for conclusion of criminal proceedings. The vehicle is in broad day light from the date of seizure and the trial has also been commenced and hence no useful purpose will be served in keeping the vehicles parked in the sunlight and rain.

6.In view of the above discussions, this Court is inclined to return the vehicle to the petitioner and accordingly, the order passed in C.M.P.No.13648 of 2024 dated 05.06.2025 by the Judicial Magistrate No.III, Vellore, is hereby set aside. The learned Judicial Magistrate No.III, Vellore, is directed to return Ashok Leyland Bada Dost Vehicle bearing Registration No.TN 73 AH 2262 to the petitioner, forthwith on the following conditions:-



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(i) the petitioner is directed to execute an 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.155 of 2023 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.

7. Accordingly, the Criminal Revision Case is allowed.

02.09.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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- 1.The Judicial Magistrate No.III,
Vellore,
- 2.The Sub-Inspector of Police,
Viruthampet Taluk Police Station,
Vellore District.
Crime No.155 of 2023.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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T.V.THAMILSELVI, J.
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