



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2031 of 2025

CLINTON

S/o. Slivester, No.3, Pioneer Estate,
Jaisakthi Garden, Pollachi, Coimbatore
District.

Petitioner(s)

Vs

The State rep by Inspector of Police
Udumalpet, Tiruppur District.
Crime No.557 of 2025.

Respondent(s)

PRAYER:- Criminal Revision Case filed under Sec.438 and 442 of B.N.S.S.,
praying to set aside the order dated 28.09.2025 passed by the Learned Judicial
Magistrate No.1, Udumalpet in CrI.M.P.No.664 of 2025 in Crime No.557 of
2025.

For Petitioner(s): Mr. L.Mouli

For Respondent(s): Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)



ORDER

This Criminal Revision Case has been filed challenging the order dated 28.09.2025 passed in Crl.M.P.No.664 of 2025 by the learned Judicial Magistrate No.I, Udumalpet, thereby dismissing the petition filed for return of vehicle, viz., Tipper Lorry bearing Registration No.TN-41-BE-5499.

2. The case of the prosecution is that, on 11.09.2025 around 5.44 a.m., when the Assistant of Geologist attached with Geology and Mining department conducted a regular vehicle checkup at Iyyappa Bakery near Earipalayam bypass, Udumalpet, at that time, tipper lorry came along with 8 units of normal stone without transport permit and the same was seized and handed over to the respondent police. Hence, a case has been registered in Crime No.557 of 2025 for the offences under Sections 305 (e) of B.N.S. And Sec.21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Pursuant to the registration of the FIR, the vehicle involved was seized and produced before the Judicial Magistrate No.I, Udumalpet.

3. The learned counsel appearing for the petitioner would submit that there are totally two accused involved in this case, in which the petitioner is arrayed as A2. He further submitted that the petitioner is the owner of the vehicle and he is having valid permit for transportation of mines and minerals, but he has been falsely implicated in this case, however, his vehicle was subjected in the said crime number. He also submitted that the petitioner is



ready and willing to abide by any conditions that may be imposed by this Court for the release of the vehicle, otherwise his vehicle would be damaged.

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4. The learned Additional Public Prosecutor would submit that the petitioner is arrayed as A2 in this case and the vehicle was driven by A1 driver with the consent of petitioner, the vehicle in question was involved in an offence under Mines and Minerals (Development and Regulation) Act. Hence, he objected to return of the vehicle.

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

6. Even according to the case of the prosecution, as on date, the vehicle in question was involved in an offence under Mines and Minerals (Development and Regulation) Act and he is not subject to any previous case like nature. 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.

7. Considering the facts and circumstances of the case, this Court is inclined to order return of the vehicle to the petitioner and accordingly, the order



dated 28.09.2025 passed in CrI.M.P.No.664 of 2025 on the file of the Judicial Magistrate No.I, Udumalpet, is hereby set aside. The learned Judicial Magistrate No.I, Udumalpet, is directed to return the tipper lorry bearing Registration No.TN-41-BE-5499 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute a personal 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.557 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.

(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.

8. Accordingly, the Criminal Revision Case stands allowed.



15-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Judicial Magistrate No.1, Udumalpet.

2. Inspector of Police

Udumalpet, Tiruppur District.

3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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**CRL RC No. 2031 of
2025**

15-10-2025



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CRL RC No. 2031 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2031 of 2025

1. CLINTON

S/o. Slivester, No.3, Pioneer Estate,
Jaisakthi Garden, Pollachi, Coimbatore
District.

Petitioner(s)

Vs

1. The State rep by Inspector of Police
Udumalpet, Tiruppur District. Crime
No.557 of 2025.

Respondent(s)

CRL RC No. 2031 of 2025

PRAYER

To set aside the order dated 28.09.2025 passed by the Learned Judicial Magistrate No.1, Udumalpet in CrI.M.P.No.664 of 2025 in Crime No.557 of 2025.

CRL RC No. 2031 of 2025

For Petitioner(s): L.Mouli
A. Sri Ram
P. Suriya



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CRL RC No. 2031 of 2025



For Respondent(s): Public Prosecutor

ORDER

It is brought to the notice of this Court that some typographical error in para 1 & 7 of the order dated 15.10.2025. Hence, the registry is directed to replace "TN 41 BD 5499" instead of "TN 41 BE 5499" in para 1 & 7 of the order dated 15.10.2025. After carrying out the above correction, issue fresh order copy to the parties.

04-11-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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T.V.THAMILSELVI J.

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2025**

04-11-2025