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CRL RC No. 2048 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2048 of 2025

1. DHINAGARAN

S/o.Aubramani, No.51, Chinnakunichi
Village, Kunichi Post, Tirupattur Taluk
and District.

Petitioner(s)

Vs

1. State Rep. by
Sub Inspector of Police, Kandili Police
Station, Tirupattur District.

Respondent(s)

CRL RC No. 2048 of 2025

PRAYER

To call for the records on the file of the Learned Judicial Magistrate, No.II, Tirupattur, Tirupattur District in Crl.M.P.No.2483/2025 dated 03.10.2025 and set aside the order and thus render Justice.

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For Petitioner(s): E.Kannadasan
R.Thulasi



S.Priyadarshini
A.Ajay
T.Madhanraj
P.Agnes Samantha Ophelie

For Respondent:

ORDER

This Criminal Revision Case has been filed to call for the records on the file of the Learned Judicial Magistrate, No.II, Tirupattur, Tirupattur District in CrI.M.P.No.2483/2025 dated 03.10.2025 and set aside the order.

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

3. The petitioner owned a Tipper Lorry bearing Registration No. TN 29 BE 4379. Pursuant to the registration of FIR in Crime No.66of 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 3 units of sand without any permission or license. The case has been registered for the offence punishable under Sections 305(e), 326(a) BNS, as against the Driver of the Tipper Lorry and others. The petitioner is arrayed as A1. The said vehicle was produced before the Judicial Magistrate II,



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4. The learned Government Advocate (Crl. side) would submit that the said vehicle was involved in 7 other cases. Hence, he raised objection to return the vehicle.

5. Even according to the case of the prosecution, the petitioner had transported 3 units of sand from river. 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 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 Crl.M.P.No.2483/2025 dated 03.10.2025 by the Judicial Magistrate, No.II, Tirupattur is hereby set aside. The learned Judicial Magistrate, No.II,



Tirupattur, is directed to return the Tipper Lorry bearing Registration No. TN 29 BE 4379 to the petitioner, forthwith on the following conditions:-

(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.66 of 2025 pending on the file of the respondent police. Further, the petitioner shall deposit a sum of Rs.5,00,000/- to the credit of crime No.66 of 2025 pending on the file of the respondent police within a period of three weeks from the date of receipt of a copy of this order.

(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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7. Accordingly, the Criminal Revision Case stands allowed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Judicial Magistrate, No.II, Tirupattur.



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T.V.THAMILSELVI J.

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