



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2182 of 2025

1. GAJENDIRAN

S/o. Jayakumar, No.23, Main Road,
T.Keeranur, Keezhathaotti, Thirukoilur,
Kallakurich District-605 757

Petitioner(s)

Vs

1. The state Rep by
The Inspector of Police
Thirukoilur Police Station, Kallakurichi
District. Crime No.382 of 2025

Respondent(s)

PRAYER

To allow this Criminal Revision Petition and set aside the Order passed in CrI.M.P.No.803 of 2025 on the file of the Judicial Magistrate at Thirukoilur, dated 06.10.2025 and grant interim Custody of the case property TN 28 BK 6126-Leyland lorry in Crime No.382/2025 on the file of the Thirukoilur Police Station, Kallakurichi District, in favour of the Petitioner.

For Petitioner(s): U.Kathiravan



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

ORDER

This Criminal Revision has been filed challenging the order passed in Crl.M.P.No.803 of 2025 on the file of the Judicial Magistrate at Thirukoilur, dated 06.10.2025 and grant interim custody of the case property TN 28 BK 6126-Leyland lorry in Crime No.382/2025 on the file of the Thirukoilur Police Station, Kallakurichi District, in favour of the Petitioner.

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

3. The petitioner owned a Tipper Lorries bearing Registration No.TN 28 BK 6126, pursuant to the registration of FIR in Crime No.382 of 2025, on the file of the respondent Police, the Tipper Lorries owned by the petitioner was seized by the respondent alleging that the vehicle was found illegally



transporting 3 units of Vandal Sand, without any permission or license. The case has been registered for the offence punishable under Sections 303(2) of BNS r/w Section 21(1) of Mines and Minerals Act, 1957, as against the Driver of the Tipper Lorry and others. The said vehicle was produced before the Judicial Magistrate, Thirukoilur.

4. The learned Government Advocate (Crl. side) would submit that after completion of investigation, a final report has been filed before the learned Judicial Magistrate, Thirukoilur, and it is pending for taking cognizance.

5. Even according to the case of the prosecution, the petitioner is the absolute owner of the said vehicle and the vehicle is used solely for the purpose of Agricultural activities. 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 Crl.M.P.No.803 of 2025 dated 06.10.2025 by the learned Judicial Magistrate, Thirukoilur, is hereby set aside. The learned Judicial Magistrate, Thirukoilur, is directed to return the Ashok Leyland Tipper Lorry bearing Registration No.TN 28 BK 6126 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty thousand only), **as non-refundable deposit to the credit of Advocates Clerks Association, Kallakurichi**, and on such deposit, the vehicle is ordered to be released.

(ii) the petitioner is directed to execute an own bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.382 of 2025 pending on the file of the respondent police.



(iii) the petitioner shall deposit the original registration certificate of the vehicle with the concerned Magistrate.

(iv) 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.

(v) the petitioner shall not alienate and shall not make any alteration in the vehicle.

(vi) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

(vii) If any of the conditions are violated, this order automatically stands cancelled.

7. Accordingly, the Criminal Revision Case stands allowed.

29-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The state Rep by
The Inspector of Police
Thirukoilur Police Station, Kallakurichi
District. Crime No.382 of 2025

2. The Advocates Clerks Association,
Kallakurichi.

3. The Judicial Magistrate, Thirukoilur.

4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI J.
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