



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2623 of 2025

1. Medipalem Edumalai
S/o.Govindha Reddy, Karur Village,
Tada Mandalam, Tirupathi District
Andhra Pradesh

Petitioner(s)

Vs

1. State rep by
the Inspector of Police
Kadpadi, Vellore District.
Cr.No.78 of 2024

Respondent(s)

PRAYER

Criminal Revision Case filed under Section 438 and 442 of BNSS, praying to call for the records of Learned Judicial Magistrate, Katpadi, Vellore District and set aside the order passed by the learned Magistrate made in CrI.M.P.No.2076 of 2024 dated 07.10.2024.

For Petitioner(s): Mr.S.Sasikumar



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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.2076 of 2024 dated 07.10.2024, on the file of the Judicial Magistrate, Katpadi, Vellore District, thereby dismissing the petition filed for return of vehicle namely Ashok Leyland Tipper Lorry bearing registration No.AP02 TE 5477 concerned in Crime No.78 of 2024.

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

3. The petitioner owned a Ashok Leyland Tipper Lorry bearing registration No.AP02 TE 5477. Pursuant to the registration of FIR in Crime No.78 of 2024, on the file of the respondent Police, the case has been registered for the offence punishable under Sections U/s. 379, 430 IPC and Section 21(1) of Mines and Minerals (Development Regulation Act) 1957. The said vehicle was produced before the learned Judicial Magistrate, Kadpadi, Vellore District.

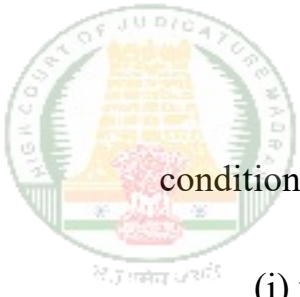


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4. The learned Government Advocate (Crl. side) raised objections to return the vehicle, that the investigation has not been completed.

5. 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.2076 of 2024 dated 07.10.2024 by the learned Judicial Magistrate, Katpadi, Vellore District, is hereby set aside. The learned Judicial Magistrate, Katpadi, Vellore District, is directed to return the vehicle Ashok Leyland Tipper Lorry bearing registration No.AP02 TE 5477, to the petitioner, forthwith on the following



conditions:-

(i) the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) **as non-refundable deposit to the credit of Advocate Clerk Association, Kadpadi, Vellore District.**

(ii) 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.78 of 2024 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.

28-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1.State rep by the Inspector of Police
Kadpadi, Vellore District Cr.No.78 of
2024

2.The Judicial Magistrate, Katpadi,
Vellore District.

3.The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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