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Crl.R.C.No.2747 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.2747 of 2025

Mohan Kumar

...Petitioner

-Vs-

The State Rep. By
The Inspector of Police,
Thirunavallur Police Station,
Kallakurichi District.
Crime No.348 of 2025

...Respondent

PRAYER: Criminal Revision Petition is filed under Sections 438 & 422 of BNSS, praying to call for the records of impugned order made in C.M.P.No.1776 of 2025 dated 19.11.2025 passed by the learned Judicial Magistrate No.II Court, Ulundurpet, and set aside the same and order return of the vehicle, Ashok Leyland Lorry bearing Regn.No.TN-61-F-6225 concerned in Crime No.348 of 2025 on the file of the respondent to the custody of the petitioner herein.

For Petitioner : Mr.K.Balu

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



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ORDER

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The revision petition challenges the order dismissing the petitioner's application filed under Section 497 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking interim custody of the lorry bearing Registration No.TN-61-F-6225.

2. The petitioner is facing prosecution as an accused in Crime No.348 of 2025, registered for the alleged offence of transporting three units of pebbles without any valid permit or licence.

3. During the course of investigation, the petitioner's vehicle, namely the Ashok Leyland Lorry bearing Registration No.TN-61-F-6225, was seized by the respondent police. The petitioner thereafter sought return of the said vehicle before the learned Judicial Magistrate No.II, Ulundurpet. However, the said application came to be dismissed on the ground that granting interim custody of the vehicle to the petitioner would not be in the interest of justice.

4. The learned counsel for the petitioner would submit that the petitioner is admittedly the owner of the vehicle; that the petitioner has no bad antecedents; that the vehicle, if kept idle in the open, would be subjected



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to vagaries of weather; and that the petitioner is willing to comply with any stringent conditions that may be imposed by this Court; and therefore prayed for grant of interim custody of the vehicle.

5. The learned Government Advocate (Crl. Side), per contra, submitted that confiscation proceedings have not been initiated so far.

6. Considering the fact that the petitioner is the owner of the vehicle; that confiscation proceedings have not been initiated till date; and that the vehicle is lying idle in an open place and is subjected to the vagaries of the weather; this Court is inclined to grant interim custody of the vehicle, subject to conditions.

7. Accordingly, this Criminal Revision Case is allowed; the impugned order dated 19.11.2025 made in Crl.M.P.No.1776 of 2025 on the file of the learned Judicial Magistrate No.II Court, Ulundurpet, is set aside; and the vehicle bearing Registration No. TN-61-F-6225 is directed to be returned to the petitioner, subject to the following conditions:



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SUNDER MOHAN, J.

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(i) The petitioner shall execute a personal bond for a sum of Rs.5,00,000/- (Rupees Five Lakh Only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.II Court, Ulundurpet;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned Judicial Magistrate No.II, Court Ulundurpet, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

(iii) The petitioner shall not alter or alienate the vehicle in any manner;

(iv) The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the Court below;

(v) The return of property would be subject to the result of the confiscation proceedings;

15.12.2025

cda

To

1.The Judicial Magistrate No.II Court, Ulundurpet.

2.The Inspector of Police,
Thirunavallur Police Station,
Kallakurichi District.

3.The Public Prosecutor,
High Court, Madras.

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