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CRL RC No. 2825 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2825 of 2025

1. Suresh Kumar

Petitioner(s)

Vs

1. State by, The Inspector of Police,
Udumalaipet Police Station, Tirupur
District. Cr.No.60 of 2025.

Respondent(s)

PRAYER

To call for the record relating to the order dated on 30.06.2025 made in CrI.MP.No.413 of 2025 passed by the learned Judicial Magistrate No.1 at Udumalpet and set aside the same by allowing this criminal revision petition and consequently direct the respondent to release the petitioners vehicle, the Tipper Lorry bearing Registration No.TN 72 L 9176 to the petitioner and pass such further or other orders as this Honble Court.

For Petitioner(s): M/s.R.Babu

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

ORDER



The Criminal Revision challenges the dismissal of the petitioner's application filed under Sections 497 & 503 of BNSS seeking return of his vehicle, namely Tipper Lorry, bearing Registration No. TN-72-L-9176.

2. An FIR was registered on 01.02.2025 in Crime No.60 of 2025 for the offences under Sections 305(e) of BNS, alleging that the petitioner had illegally transported one unit of gravel sand without permission.

3. During the course of investigation, the four-wheeler belonging to the petitioner, namely Tipper Lorry, bearing Registration No. TN-72-L-9176, was seized on 01.02.2025. The petitioner sought return of the vehicle. The learned Magistrate dismissed the petition on the ground that the vehicle was liable for confiscation and that confiscation proceedings had already been initiated.

4. The learned counsel for the petitioner submits that the vehicle has been lying idle in an open place in the police station ever since its seizure, resulting in continuous deterioration and loss of value, and if not released, it would be reduced to scrap. It is further submitted that no confiscation proceedings have, in fact, been initiated; that the petitioner, being the owner, is entitled to interim custody; and that he is willing to comply with any conditions imposed by this Court.



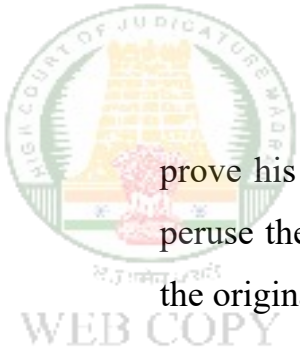
5. The learned Government Advocate (Crl. Side), on instructions, submits that the vehicle is presently secured in the police station; that it is not required for the purpose of investigation any longer; that no confiscation proceedings have been initiated till date; and that there are no previous criminal cases pending against the petitioner.

6. In the light of the above submissions, this Court is of the view that the vehicle cannot be kept idle in an open space and its value cannot be allowed to be diminished as held by the Hon'ble Supreme Court. The petitioner is the owner of the vehicle and therefore, he is the proper person entitled to the custody of the vehicle.

7. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 30.06.2025 passed by the learned Judicial Magistrate No.1 at Udumalpet, in Crl.M.P.No.413 of 2025 in Crime No.60 of 2025 is set aside. In view of the same, the respondent is directed to return the vehicle viz., Tipper Lorry, bearing Registration No. TN-72-L-9176 to the petitioner on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.1 at Udumalpet;

(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.1 at Udumalpet, 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, if any.

19-12-2025

skr

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.State by, The Inspector of Police,
Udumalaipet Police Station, Tirupur
District. Cr.No.60 of 2025.



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SUNDER MOHAN J.
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