



Crl.R.C.(MD)No.107 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2025

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THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.107 of 2025

M.Vairava Moorthy

... Petitioner

Vs.

State rep.by
The Sub Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
(Crime No.846 of 2024)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to set aside the order passed by the learned Judicial Magistrate No.6, Madurai in Crl.M.P.No.106 of 2025 dated 10.01.2025 and grant interim custody to the petitioner's vehicle Tipper Lorry bearing Registration No.TN-64-C-7471 in favour of the petitioner.

For Petitioner : Mr.S.Manojkumar

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)



Crl.R.C.(MD)No.107 of 2025

WEB COPY

ORDER

The Criminal Revision Case is directed against the order, dated 10.01.2025, passed in Crl.M.P.No.106 of 2025 on the file of the learned Judicial Magistrate No.6, Madurai dismissing the petition filed under Section 497 read with Section 503 of BNSS.

2. The petitioner claims to be the owner of the vehicle TATA Tipper Lorry bearing Registration No.TN-64-C-7471. On 18.12.2024, the respondent police seized the vehicle on the ground that the vehicle was used for transporting three units of M-Sand without any valid license or permit, and registered a case in Crime No.846 of 2024 for the offence under Section 303(2) of BNS r/w Section 21(5) of the Mines and Minerals (Development & Regulation) Act.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.6, Madurai by filing a petition for the return of vehicle bearing registration No.TN-64-C-7471 in Crl.M.P. No.106 of 2025, and the learned Judicial Magistrate No.6, Madurai, vide order dated 10.01.2025, has dismissed the said petition. Aggrieved by the



Crl.R.C.(MD)No.107 of 2025

order of dismissal, the petitioner has now come forward with the present revision.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5. The learned counsel appearing for the petitioner would submit that the vehicle TATA Tipper Lorry bearing Registration No.TN-64-C-7471 is owned by the petitioner, and the said vehicle has no connection whatever with the alleged occurrence, and the vehicle is with the police for the past one month, and if the vehicle is kept in open place, the value of the said vehicle will get deteriorated. Therefore, interim custody of the vehicle may be granted to the petitioner.

6. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the owner of the vehicle bearing registration No.TN-64-C-7471, and the vehicle was used for transporting three units of M-Sand. He would further submit that the



Crl.R.C.(MD)No.107 of 2025

WEB COPY

case property was seized and produced before the trial Court in R.P.R. No.7 of 2025, and the value of the property comes to Rs.15,00,000/- (Rupees Fifteen Lakhs only).

7. In this case, the vehicle was seized on 18.12.2024. The vehicle is kept in the open place from 18.12.2024 onwards. Further, if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody. Considering the over all facts and circumstances of the case, this Court is inclined to allow this revision by following the principle of law laid down by the Honourable Supreme Court, in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat [2002 (10) SCC 283]***.

8. Accordingly, this Criminal Revision Case is allowed, and the order, dated 10.01.2025, passed in Crl.M.P.No.106 of 2025 by the learned Judicial Magistrate No.6, Madurai is hereby set aside and the vehicle TATA Tipper Lorry bearing Registration No.TN-64-C-7471 is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern department or by the



Crl.R.C.(MD)No.107 of 2025

WEB COPY

Court on the following conditions :

(i) the petitioner is directed to deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** as non-refundable deposit for the said vehicle to the credit of the District Mineral Foundation Trust, Madurai District;

(ii) On such deposit, the petitioner shall execute a bond for a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.6, Madurai;

(iii) the vehicle shall be photographed in different angle and the engine and chassis number shall also be photographed in the presence of the Head Clerk of the learned Judicial Magistrate No.6, Madurai at the cost of the petitioner and the petitioner's signature to be obtained in the backside of the photographs, and the said photographs and CD shall be kept in the case bundle for the purpose of marking them as material objects during trial;

(iv) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.6, Madurai;

(v) the petitioner shall not alienate and shall not alternate the physical features of the vehicle till the disposal of the case; and

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

29.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Crl.R.C.(MD)No.107 of 2025

WEB COPY To

- 1.The learned Judicial Magistrate No.6,
Madurai.
- 2.The Sub Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.R.C.(MD)No.107 of 2025

P.VADAMALAI, J.

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Crl.R.C.(MD)No.107 of 2025

29.01.2025