



*Crl.R.C.(MD)No.172 of 2025*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

Crl.R.C.(MD)No.172 of 2025

Balamani

... Petitioner

Vs.

1.The State of Tamil Nadu represented by  
The Inspector of Police,  
Kadamalaikundu Police Station,  
Theni District.  
(Crime No.327 of 2024)

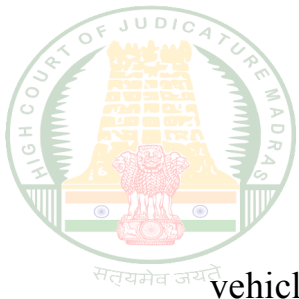
2.Kiruthika

3.Minor.Satvika  
represented by her mother Kiruthika/second  
respondent herein

... Respondents

(R2 and R3 are impleaded as per order of the Court  
dated 14.02.2025 in Crl.MP(MD)No.1943 of 2025  
in Crl.R.C.(MD)No.172 of 2025)

**PRAYER :** Criminal Revision Case filed under Section 438 r/w 442  
B.N.S.S., to call for the records pertaining to the order passed in  
Cr.M.P.No.5133 of 2024 on the file of learned Judicial Magistrate,  
Andipatti dated 20.12.2024 and set aside the same and hand over the



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vehicle Ashok Leyland Goods Carrier AL CT 1616 XL in bearing Registration No.TN-37-BR-9797 to the petitioner within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi  
For R1 : Mrs.M.Aasha  
Government Advocate (Crl. Side)  
For R2 & R3 : Mr.S.Kadarkarai

### **ORDER**

The Criminal Revision is directed against the order passed in Crl.M.P.No.5133 of 2024 dated 20.12.2024 on the file of the Judicial Magistrate, Andipatti, dismissing the petition filed under Section 497 B.N.S.S.

2. The petitioner claims to be the owner of Ashok Leyland Goods Carrier AL CT 1616 XL bearing Registration No.TN-37-BR-9797. On 30.11.2024, the respondent police has registered a case in Crime No.327 of 2024 for the offences under Section 303(2) BNS and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle for the alleged illegal transportation 3 units of odai sand.



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3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Andipatti, for returning of the said vehicle in Crl.M.P.No.5133 of 2024 and the learned Judicial Magistrate, vide order dated 20.12.2024, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl. Side) appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3.

5. The learned counsel appearing for the petitioner would submit that RC book stands in the name of one Senthil Prabhu and since the said Senthil Prabhu had died, the petitioner has chosen to implead the wife and minor daughter of the said Senthil Prabhu as respondents 2 and 3.

6. The learned counsel appearing for the respondents 2 and 3 would submit that they are not having any objections and he has also made an endorsement to that effect.



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7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the owner of the vehicle and is not an accused in this case, that the petitioner is not having any previous cases for similar offence and that the said vehicle was not involved in any other cases. She would further submit that the value of the vehicle is worth about Rs.15 lakhs.

8. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-37-BR-9797 is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, that if the vehicle is kept in open place, the value of the said vehicle will get deteriorated and that therefore interim custody may be granted to the petitioner.

9. Considering the facts and circumstances of the case and also the fact that 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, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 20.12.2024



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passed in Crl.M.P.No.5133 of 2024, by the learned Judicial Magistrate, Andipatti.

10. Accordingly, this Criminal Revision Case is allowed and the order dated 20.12.2024 passed in Crl.M.P.No.5133 of 2024 by the learned Judicial Magistrate, Andipatti, is hereby set aside and the vehicle/Ashok Leyland Goods Carrier AL CT 1616 XL bearing Registration No.TN-37-BR-9797, 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 Court on the following conditions:-

- (a) the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as non-refundable deposit for the said vehicle to the credit of the District Mineral Foundation Trust, Theni District;
- (b) the petitioner shall execute a 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, Andipatti;
- (c) the petitioner shall deposit the original Registration Certificate



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- of the vehicle before the learned Judicial Magistrate, Andipatti;
- (d) The petitioner shall give an undertaking before the respondent/ authority concerned stating that she will not use the vehicle in question for any illegal activities in future, failing which the respondent/trial Court is at liberty to confiscate the vehicle;
- (e) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (f) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

**03.04.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
csm

To

- 1.The Judicial Magistrate,  
Andipatti.
- 2.The Inspector of Police,  
Kadamalaikundu Police Station,  
Theni District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

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Order made in  
CrI.R.C.(MD)No.172 of 2025

Dated: 03.04.2025