



Crl.R.C.(MD)No.301 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.301 of 2025

Ramana

... Petitioner

Vs.

1.The State of Tamilnadu rep by
The Inspector of Police,
Srirangam Police Station,
Trichy City.
(Crime No.1246 of 2024)

2.Arivalagan
*(R2 is impleaded as per order of the Court dated
27.03.2025 in Crl.MP(MD)No.4199 of 2025 in
Crl.RC(MD)No.301 of 2025)*

... Respondents

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records and set aside the order in Cr.M.P.No.658 of 2025 on the file of learned District Munsif cum Judicial Magistrate Court, Srirangam, Trichy District, dated 19.02.2025 and directed the learned District Munsif cum Judicial Magistrate Court, Srirangam, Trichy to release the vehicle by allow the above criminal revision petition.



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For Petitioner : Mr.S.Sathyachidambaram
For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)
For R2 : Mr.M.Madhan Kumar

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.658 of 2025 dated 19.02.2025 on the file of the District Munsif cum Judicial Magistrate, Srirangam, dismissing the petition filed under Sections 451 and 457 Cr.P.C.

2. The petitioner claims to be the owner of Mahindra Bolero Pickup vehicle bearing Registration No.TN-63-AX-7075. On 11.12.2024, the first respondent police has registered a case in Crime No. 1246 of 2024 for the offences under Section 303(1) BNS and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle for the alleged illegal transportation of river sand.



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3. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Srirangam, for returning of the said vehicle in Crl.M.P.No.658 of 2025 and the learned Judicial Magistrate, vide order dated 19.02.2025, 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 second respondent.

5. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that RC stands in the name of the second respondent and not in the name of the petitioner. He would further submit that the petitioner is the third accused in this case, that the petitioner is not having any previous cases, that the said vehicle was not involved in any other cases and that the value of the vehicle is about Rs.3 lakhs.



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6. The learned counsel appearing for the second respondent would submit that the second respondent already sold the vehicle to the petitioner and that the second respondent is a convicted accused and is in prison and hence, he has filed an affidavit sworn by the second respondent before the Jailor, Central Prison, Trichy, stating that they are not having any objections to release the vehicle in favour of the petitioner.

7. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-63-AX-7075 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. He would further submit that the petitioner undertakes to effect the name transfer within a stipulated time and produce the original RC book before the concerned Court.

8. 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



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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 19.02.2025 passed in Crl.M.P.No.658 of 2025, by the learned District Munsif cum Judicial Magistrate, Srirangam.

9. Accordingly, this Criminal Revision Case stands allowed and the order dated 19.02.2025 passed in Crl.M.P.No.658 of 2025 by the learned District Munsif cum Judicial Magistrate, Srirangam, is hereby set aside and the vehicle/Mahindra Bolero Pickup vehicle bearing Registration No.TN-63-AX-7075, 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, Trichy District;
- (b) the petitioner shall execute a bond for a sum of **Rs.1,00,000/-**



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(Rupees One Lakh only), with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Srirangam;

- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned District Munsif cum Judicial Magistrate, Srirangam within a period of one month from the date on which name transfer is made in favour of the petitioner;
- (d) The petitioner shall give an undertaking before the respondent/ authority concerned stating that he 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;

25.04.2025

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



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To

1.The District Munsif cum Judicial Magistrate,
Srirangam.

2.The Inspector of Police,
Srirangam Police Station,
Trichy City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
CrI.R.C.(MD)No.301 of 2025

Dated: 25.04.2025