



Crl.R.C.(MD)No.968 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.968 of 2025

Vengadeshwaran

... Petitioner/3rd party petitioner/
Owner of vehicle

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
(Crime No.40 of 2022)

... Respondent/Respondent/
Complainant

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the entire records pertaining to the order passed by the Learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Crl.M.P.No.3490 of 2022 vide order dated 08.11.2022 and Set-aside the same and consequently, direct the above said Learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur to return the petitioner's Tractor bearing Reg No.TN 84 2667 along with Trailer bearing Reg No.TN 61 B 7027 kept in the custody of the above said Judicial Magistrate Court in connection with the case in Crime No.40 of 2022 on the file of the respondent police.



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For Petitioner : Mr.D.Rajaboopathy

For Respondent : Mr.S.S.Manoj
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.3490 of 2022 in Crime No.40 of 2022 dated 08.11.2022 on the file of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, dismissing the petition filed under Section 451 of Cr.P.C.

2. The petitioner claims to be the owner of the Tractor bearing Reg No.TN 84 2667 along with Trailer bearing Reg No.TN 61 B 7027. The respondent police has registered a case in Crime No.40 of 2022 for the offences under Sections 379 of IPC r/w 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle for illegally quarrying Sullai sand and the same was produced before the concerned Court and the same came to be remanded and the same is under the custody of the respondent police.



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3. It is not in dispute that the petitioner has approached the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, for returning of the said vehicle in Crl.M.P.No.3490 of 2022 and the learned Principal District and Sessions Judge, vide order dated 08.11.2022, 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 and the learned Government Advocate (Crl. Side) appearing for the respondent.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the owner of the vehicle and the accused in this case.

6. The learned counsel appearing for the petitioner would submit that the Tractor bearing Reg No.TN 84 2667 along with Trailer bearing Reg No.TN 61 B 7027 are owned by the petitioner and he was not involved in any such offence as alleged by the respondent and if the vehicle is kept in open place, the vehicle will get deteriorated and the



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value of the vehicle would automatically stand diminished and that therefore interim custody may be granted to the petitioner.

7. 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 08.11.2022 passed in Crl.M.P.No.3490 of 2022, by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 08.11.2022 passed in Crl.M.P.No.3490 of 2022 by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, is hereby set aside and the vehicle/ Tractor bearing Reg No.TN 84 2667 along with Trailer bearing Reg No.TN 61 B 7027, are 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:-



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- (a) the petitioner is directed to deposit a sum of **Rs.1,00,000/-** (**Rupees One Lakh only**) as non-refundable deposit for the said vehicle to the credit of RAY OF LIGHT FOUNDATION, Bank Name: HDFC BANK, A/c No:50100078904233, A/c Name: Ray of Light Foundation, Branch: HABIBULLAH ROAD, T NAGAR, CHENNAI, IFSC code: HDFC0001864;
- (b) the petitioner shall execute a bond for a sum of **Rs.1,50,000/-** (**Rupees One Lakh and Fifty Thousand only**), with two sureties for a likesum to the satisfaction of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur;
- (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



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alteration in the vehicle;

(f) the petitioner shall produce the vehicle before the Court on first working day of every English Calendar month until further orders.

01.08.2025

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

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To

- 1.The Principal District and Sessions Judge,
Srivilliputtur ,
Virudhunagar District.
- 2.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
- 3.Ray of Light Foundation,
No.10, Nageswara Road,
Nungambakkam, Chennai-600 034.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
Crl.R.C.(MD)No.968 of 2025

Dated: 01.08.2025