



Crl.R.C.(MD)No.315 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.315 of 2025

Raja

... Petitioner

Vs.

The State of Tamil Nadu represented through
The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
(Crime No.13 of 2025)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records and set aside the impugned order passed by the learned District Munsif cum Judicial Magistrate, Thirumayam in Cr.M.P.No.53 of 2025 in Crime No.13 of 2025 dated 17.02.2025 and pass appropriate order or orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.A.Abdulkabur

For Respondent : Mrs.M.Aasha
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in



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Crl.M.P.No.53 of 2025 dated 17.02.2025 on the file of the District Munsif cum Judicial Magistrate, Thirumayam, dismissing the petition filed under Section 497 B.N.S.S.

2. The petitioner claims to be the owner of Bharat Benz Tipper Lorry bearing Registration No.TN-55-BE-9009. On 30.01.2025, the respondent police has registered a case in Crime No.13 of 2025 for the offences under Section 303(2) BNS and Sections 21(1) and 21(2) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle for the transportation of 6 units raw stones without valid permit.

3. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Thirumayam, for returning of the said vehicle in Crl.M.P.No.53 of 2025 and the learned Judicial Magistrate, vide order dated 17.02.2025, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



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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 is the second 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.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-55-BE-9009 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.

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



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keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 17.02.2025 passed in Crl.M.P.No.53 of 2025, by the learned District Munsif cum Judicial Magistrate, Thirumayam.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 17.02.2025 passed in Crl.M.P.No.53 of 2025 by the learned District Munsif cum Judicial Magistrate, Thirumayam, is hereby set aside and the vehicle/Bharat Benz-Tipper Lorry bearing Registration No.TN-55-BE-9009, 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, Pudukkottai District;
- (b) the petitioner shall execute a bond for a sum of **Rs.15,00,000/-** (**Rupees Fifteen Lakhs only**), with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial



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Magistrate, Thirumayam;

- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned District Munsif cum Judicial Magistrate, Thirumayam;
- (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;

14.03.2025

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

To

1.The District Munsif cum Judicial Magistrate,
Thirumayam.



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K.MURALI SHANKAR,J.

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- 2.The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.R.C.(MD)No.315 of 2025

Dated: 14.03.2025