

Crl.R.C.(MD)No.287 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.287 of 2025

Pavalam

... Petitioner

Vs.

State of Tamil Nadu rep. by
The Sub-Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
(Crime No.538 of 2024)

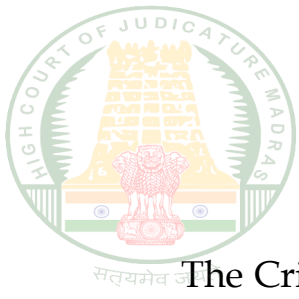
... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records relating to the impugned order dated 29.01.2025 made in Crl.M.P.No. 28/2025 on the file of the learned Judicial Magistrate court, Palani in Crime No.538 of 2024 on the file of the Sub Inspector of Police, Palani Taluk Police Station, Dindigul District and consequently direct the respondent police to return the vehicle "Tipper Lorry bearing Regn No.TN 66-C-9273" lying in the custody of the respondent herein, to the petitioner till the conclusion of the criminal case.

For Petitioner : M/s.M.Muthu Kavitha

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

ORDER



Crl.R.C.(MD)No.287 of 2025

WEB COPY

The Criminal Revision is directed against the order passed in Crl.M.P.No.28 of 2025 in Crime No.538 of 2024 dated 29.01.2025 on the file of the Judicial Magistrate Court, Palani dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the Ashok Leyland Tipper lorry bearing Registration No.TN 66-C-9273. The respondent police has registered a case in Crime No.538 of 2024 for the offences under Section 21(4) of Mines and Minerals (Development & Regulation) Act and Section 303 of BNS and seized the above said vehicle for the alleged illegal transportation of gravel and the same was produced before the concerned Court and the same came to be remanded in RPR.No.236 of 2024 and the same is under the custody of the respondent police.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate Court, Palani, for returning of the said vehicle in Crl.M.P.No.28 of 2025 and the learned Judicial Magistrate, vide order dated 29.01.2025, 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 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



Crl.R.C.(MD)No.287 of 2025

accused in this case. He would further submit that the value of the vehicle is worth
WEB COPY
about Rs.17 lakhs.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 66-C-9273 is 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 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 05.05.2025 passed in Crl.M.P.No.28 of 2025, by the learned Judicial Magistrate Court, Palani.

8. Accordingly, this Criminal Revision Case is **allowed** and the order dated 29.01.2025 passed in Crl.M.P.No.28 of 2025 by the learned Judicial Magistrate Court, Palani, is hereby set aside and the vehicle/ Ashok Leyland Tipper lorry bearing Registration No.TN 66-C-9273, is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern

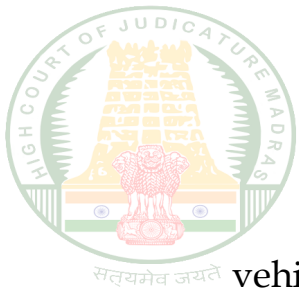


Crl.R.C.(MD)No.287 of 2025

Department or by the Court on the following conditions:-

WEB COPY

- (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 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.8,50,000/- (Rupees Eight Lakhs and Fifty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate Court, Palani;
- (c) (*)the petitioner is permitted to produce the photocopy of the registration certificate before the Learned Judicial Magistrate, Palani, along with an affidavit stating that the original registration certificate has already been deposited before the Learned Princiapal District and Sessions Judge, Dindigul, in Crl MP.No.4656 of 2023.
- (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



Crl.R.C.(MD)No.287 of 2025

vehicle;
WEB COPY

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

Sd/-

13.06.2025

(*)Corrected as per order of this Court dated 25/08/2025 made in CRL RC(MD)No.287 of 2025

Sd/-

Assistant Registrar (CO)

// True Copy //

/08/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

Gbg

To:-

(*)To be substituted to the order already despatched on 07/07/2025

1.The Principal District and Sessions Judge,
Dindigul.

2.The Judicial Magistrate,
Palani.

3.The Sub-Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

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



Crl.R.C.(MD)No.287 of 2025

Copy to

WEB COPY

The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC to M/s.K.MUTHU GANESA PANDIAN, Advocate (SR-33892[F] dated
13/06/2025)

Order made in
Crl.R.C.(MD)No.287 of 2025
Dated: 13.06.2025

AVK/01.07.2025 6P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023

JJ/08.09.2025 6P/ 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023