



Crl.R.C.(MD)No.324 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.324 of 2025

R.Ayyappan
Proprietor Sri Mahasastha Construction

... Petitioner

Vs.

1.State of TamilNadu represented by
The Inspector of Police,
Shenkottai Police Station,
(Crime No.63 of 2025)

2.The Branch Manager
Indusind Bank,
170/3B 3S Sun Complex,
TNHB Colony Road,
Tenkasi.

... Respondents

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for Crl.M.P.No.96 of 2025 on the file of District Munsif cum Judicial Magistrate Court, Shenkottai dated 26.02.2025 and set aside the same and grant custody of Tipper Lorry (Ashok Leyland Ecomet Star) bearing Registration Number TN 76 BA 4611 in favour of the petitioner.



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For Petitioner : Mr.R.J.Karthick

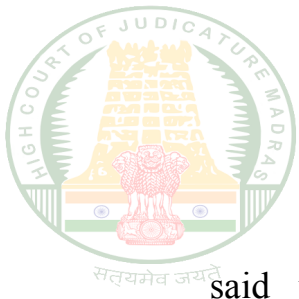
For R1 : Mrs.M.Aasha
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.96 of 2025 dated 26.02.2025 on the file of the District Munsif cum Judicial Magistrate, Shenkottai, dismissing the petition filed under Sections 497 and 503 B.N.S.S.

2. The petitioner claims to be the owner of Ashok Leyland Ecomet Star Tipper Lorry bearing Registration No.TN-76-BA-4611. On 08.02.2025, the first respondent police has registered a case in Crime No. 63 of 2025 for the offence under Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle for the alleged illegal transportation of jalli.

3. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Shenkottai, for returning of the



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said vehicle in Crl.M.P.No.96 of 2025 and the learned Judicial Magistrate, vide order dated 26.02.2025, 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 and the learned Government Advocate (Crl. Side) appearing for the first respondent.

5. The learned Government Advocate (Criminal Side) appearing for the first 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. She would further submit that the vehicle is worth about Rs.15 lakhs.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-76-BA-4611 is owned by the petitioner, that the said vehicle has no connection whatever with the



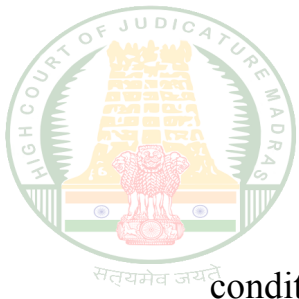
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alleged occurrence, that if the vehicle is kept in open place, the value of the said vehicle will get deteriorated and that therefore interim custody may be granted to the petitioner.

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 keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 26.02.2025 passed in Crl.M.P.No.96 of 2025, by the learned District Munsif cum Judicial Magistrate, Shenkottai.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 26.02.2025 passed in Crl.M.P.No.96 of 2025 by the learned District Munsif cum Judicial Magistrate, Shenkottai, is hereby set aside and the vehicle/Ashok Leyland Ecomet Star-Tipper Lorry bearing Registration No.TN-76-BA-4611, 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



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conditions:-

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



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(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,
Shenkottai.
- 2.The Inspector of Police,
Shenkottai Police Station,
Tenkasi District.
- 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.324 of 2025

Dated: 14.03.2025