



Crl.R.C.(MD)No.331 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.331 of 2025

Hendry

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Tamil University Police Station,
Thanjavur.
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 order passed in Cr.M.P.No.312 of 2025 by the learned Judicial Magistrate No.II, Thanjavur, dated 06.02.2025 and order interim custody of the Ashok Leyland Tipper Lorry bearing Reg.No.TN-25-AU-1993, seized by the respondent on 06.01.2025.

For Petitioner : Mr.T.Leninkumar

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



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ORDER

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The Criminal Revision is directed against the order passed in Cr.M.P.No.312 of 2025 in Crime No.13 of 2025, on the file of the learned Judicial Magistrate No.II, Thanjavur, dismissing the petition filed under Section 497 of BNSS.

2. The petitioner claims to be the owner of the vehicle/Ashok Leyland Tipper Lorry bearing Reg.No.TN-25-AU-1993. On 06.01.2025 the respondent police intercepted the vehicle bearing Reg.No.TN-25-AU-1993 and seized the vehicle as the same was used for transporting of sand illegally without any valid license or permit and registered a case in Crime No.13 of 2025 for the offences under Sections 303(2) BNS, Sections 21(1) of MMDR Act.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.II, Thanjavur, for returning of the said vehicle in Cr.M.P.No.312 of 2025 and the learned Judicial Magistrate, vide order, dated 06.02.2025, 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 (Criminal Side) appearing for the State.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the owner of the vehicle and 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 Reg.No.TN-25-AU-1993, is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, that the vehicle is with the police for the past three months, 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



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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.

8. Accordingly, this Criminal Revision Petition is allowed and the order, dated 06.02.2025 passed in Cr.M.P.No.312 of 2025 by the learned Judicial Magistrate No.II, Thanjavur, is hereby set aside and the vehicle/ Ashok Leyland Tipper Lorry bearing Reg.No.TN-25-AU-1993, 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, Thanjavur District;

(b) the petitioner shall execute a bond for a sum of **Rs.4,00,000/- (Rupees Four Lakhs only)**, with two sureties for a likesum to the satisfaction of the Judicial Magistrate No.II, Thanjavur;



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(c) the petitioner shall deposit the original Registration Certificate of the vehicle before the Judicial Magistrate No.II, Thanjavur;

(d) the petitioner shall not alienate and shall not make any alteration in the vehicle;

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

(f) 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.

17.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

das

To

- 1.The Judicial Magistrate No.II,
Thanjavur.
- 2.The Inspector of Police,
Tamil University Police Station,
Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.R.C.(MD)No.331 of 2025

Dated: 17.03.2025