



Crl.R.C.(MD)No.354 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.354 of 2025

Balakumar @ Balakumaran

... Petitioner

Vs.

State of Tamil Nadu represented by
The Inspector of Police,
Patteeswaran Police Station,
Thanjavur District.
(Crime No.06 of 2025)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 BNSS, to call for the records pertaining to the order dated 14.02.2025 made in Cr.M.P.No.206 of 2025 on the file of the Judicial Magistrate No.II (FAC), Kumbakonam and set aside the order and direct the respondent herein to grant the interim custody of the vehicle viz., Ashok Leyland Good Carrier Lorry bearing Registration No.TN-32-Q-1113, which has been seized by the respondent herein in Crime No.06 of 2025.

For Petitioner : Mr.K.M.Karunakaran

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)



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ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.206 of 2025 dated 14.02.2025 on the file of the Judicial Magistrate No.II, Kumbakonam, dismissing the petition filed under Sections 497 and 503 B.N.S.S.

2. The petitioner claims to be the owner of Ashok Leyland LTD – Goods Carrier bearing Registration No.TN-32-Q-1113. On 10.01.2025, the respondent police has registered a case in Crime No.6 of 2025 for the offences under Section 303(2) BNS and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle for the alleged illegal transportation of 2 units of river sand.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.II, Kumbakonam, for returning of the said vehicle in Crl.M.P.No.206 of 2025 and the learned Judicial Magistrate, vide order dated 14.02.2025, 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 an 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. He would further submit that the value of the vehicle is worth about Rs.10 lakhs.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-32-Q-1113 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



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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 and thereby setting aside the impugned order dated 14.02.2025 passed in Crl.M.P.No.206 of 2025, by the learned Judicial Magistrate No.II, Kumbakonam.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 14.02.2025 passed in Crl.M.P.No.206 of 2025 by the learned Judicial Magistrate No.II, Kumbakonam, is hereby set aside and the vehicle/Ashok Leyland Goods Carrier bearing Registration No.TN-32-Q-1113, 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.3,50,000/-** (**Rupees Three Lakhs and Fifty Thousand only**), with two



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sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam;

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

(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;

20.03.2025

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

To
1.The Judicial Magistrate No.II,
Kumbakonam.



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K.MURALI SHANKAR,J.

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

Order made in
CrI.R.C.(MD)No.354 of 2025

Dated: 20.03.2025