



Crl.R.C.(MD)No.355 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.355 of 2025

Sountharapandi

... Petitioner

Vs.

The State of Tamilnadu through
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(Crime No.404 of 2024)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 BNSS, to call for the entire relevant records of the impugned order passed by the learned Judicial Magistrate Court, Manamadurai in Crl.M.P.No.781 of 2025, dated 28.02.2025, and consequently set aside the same as illegal and release the petitioner's JCB (Excavator) vehicle bearing Registration No.TN-63-BT-0520, with production of Xerox copy of the Registration Certificate of the same vehicle, within a stipulated time may be fixed by this Court.



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For Petitioner : Ms.S.Sivaranjani
for Mr.R.Senthilkumar

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

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.781 of 2025 dated 28.02.2025 on the file of the Judicial Magistrate, Manamadurai, dismissing the petition filed under Section 497 B.N.S.S.

2. The petitioner claims to be the owner of JCB (Excavator) vehicle bearing Registration No.TN-63-BT-0520. On 05.10.2024, the respondent police has registered a case in Crime No.404 of 2024 for the offences under Sections 296(b), 132 and 303(2) BNS and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and seized three vehicles including the above said vehicle for the alleged illegal transportation of river sand.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Manamadurai, for returning of the said vehicle in



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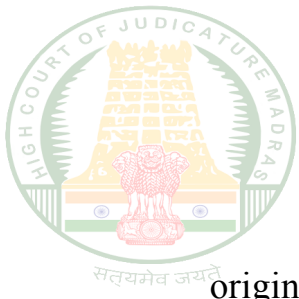
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Crl.M.P.No.781 of 2025 and the learned Judicial Magistrate, vide order dated 28.02.2025, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the 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 first accused in this case, that the petitioner is having 9 previous cases, in which, 5 cases were similar in nature and that the said vehicle was involved in one case. She would further submit that the value of the vehicle is worth about Rs.36 lakhs.

6. It is not in dispute that the vehicle was already involved in another case in Crime No.294 of 2024 on the file of Manamadurai Police Station, that the vehicle was ordered to be given interim custody in Crl.M.P.No.2847 of 2024 on the file of the Court of the Judicial Magistrate, Manamadurai vide order dated 25.07.2024 and that the



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original RC book is available with the same Court.

7. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-63-BT-0520 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. She would further submit that the petitioner undertakes not to use the vehicle in question for any illegal activities in future.

8. 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 28.02.2025 passed in Crl.M.P.No.781 of 2025, by the learned Judicial Magistrate, Manamadurai.



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9. Accordingly, this Criminal Revision Case is allowed and the order dated 28.02.2025 passed in Crl.M.P.No.781 of 2025 by the learned Judicial Magistrate, Manamadurai, is hereby set aside and the vehicle/ JCB (Excavator) bearing Registration No.TN-63-BT-0520, 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, Sivagangai District;
- (b) the petitioner shall execute a bond for a sum of **Rs.12,00,000/-** (**Rupees Twelve Lakhs only**), with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Manamadurai;
- (c) the petitioner shall produce the certified copy of the R.C. book and also file an affidavit of undertaking to surrender the original R.C. book after getting the original R.C. Book from the Court;



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- (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;

21.03.2025

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

To

- 1.The Judicial Magistrate,
Manamadurai.
- 2.The Inspector of Police,
Manamadurai Police Station,
Sivagangai 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.355 of 2025

Dated: 21.03.2025