

Crl.R.C.(MD)No.392 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.392 of 2025

K.P.Saravanan @ Saravanan

... Petitioner

Vs.

1.The State of Tamil Nadu represented through
The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
(Crime No.14 of 2025)

2.Narayanasamy

... Respondents

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 BNSS, to call for the records and set aside the impugned order passed by the learned District Munsif cum Judicial Magistrate, Thirumayam in Cr.M.P.No.66 of 2025 in Crime No.14 of 2025 dated 06.03.2025.

For Petitioner : Mr.A.Abdulkabur

For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)



Crl.R.C.(MD)No.392 of 2025

WEB COPY

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.66 of 2025 dated 06.03.2025 on the file of the District Munsif cum Judicial Magistrate, Thirumayam, dismissing the petition filed under Section 497 B.N.S.S.

2. The petitioner claims to be the owner of Bharat Benz four wheeler bearing Registration No.TN-55-BP-3472. On 30.01.2025, the respondent police has registered a case in Crime No.12 of 2025 for the offences under Section 303(2) BNS and Sections 21(1) and 21(2) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle for the alleged illegal transportation of M-sand.

3. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Thirumayam, for returning of the said vehicle in Crl.M.P.No.66 of 2025 and the learned Judicial Magistrate, vide order dated 06.03.2025, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



Crl.R.C.(MD)/No.392 of 2025

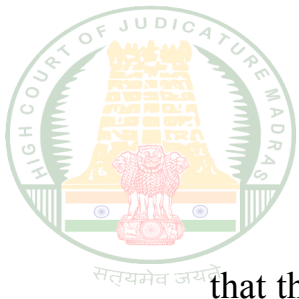
WEB COPY

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 property has not been produced before the concerned Court. But in the impugned order, though they have raised objections, the said aspect was not brought to the knowledge of the concerned Court. Admittedly, the property is now under the custody of the respondent police.

6. The learned Government Advocate (Criminal Side) appearing for the first respondent would further 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. He would further submit that the value of the vehicle is worth about Rs.40 lakhs.

7. The learned counsel appearing for the petitioner would submit



Crl.R.C.(MD)/No.392 of 2025

WEB COPY

that the vehicle bearing Registration No.TN-55-BP-3472 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.

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 06.03.2025 passed in Crl.M.P.No.66 of 2025, by the learned District Munsif cum Judicial Magistrate, Thirumayam.

9. Accordingly, this Criminal Revision Case is allowed and the order dated 06.03.2025 passed in Crl.M.P.No.66 of 2025 by the learned District Munsif cum Judicial Magistrate, Thirumayam, is hereby set aside and the vehicle/Bharat Benz four wheeler bearing Registration No.TN-55-BP-3472, is ordered to be returned to the petitioner for interim



Crl.R.C.(MD)/No.392 of 2025

WEB COPY

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, Pudukkottai District;
- (b) the petitioner shall execute a bond for a sum of **Rs.13,00,000/- (Rupees Thirteen Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thirumayam;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned District Munsif cum Judicial Magistrate, Thirumayam;
- (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;



Crl.R.C.(MD)No.392 of 2025

WEB COPY

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

26.03.2025

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

To

- 1.The District Munsif cum Judicial Magistrate,
Thirumayam.
- 2.The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.R.C.(MD)No.392 of 2025



WEB COPY



CrI.R.C.(MD)No.392 of 2025

K.MURALI SHANKAR,J.

csn

Order made in
CrI.R.C.(MD)No.392 of 2025

Dated: 26.03.2025