



Crl.R.C.(MD)No.686 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.686 of 2025

Rajmohan

... Petitioner

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Cholanpuram Police Station,
Thanjavur District.
(Crime No.478 of 2023)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records relating to set aside the order passed in Cr.M.P.No.51 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, dated 07.02.2025 in Crime No. 478 of 2023 on the file of the respondent police.

For Petitioner : M/s.D.Saranya

For Respondent : Mr.S.S.Manoj
Government Advocate (Crl. Side)



Crl.R.C.(MD)/No.686 of 2025

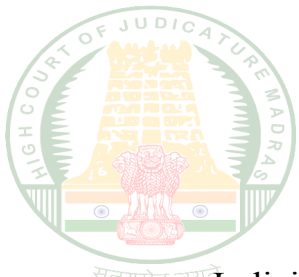
WEB COPY

ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No.51 of 2025 in Crime No.478 of 2023 dated 07.02.2025 on the file of the District Munsif cum Judicial Magistrate, Thiruvudaimaruthur dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of JCB 3DX EXCAVATOR (JCB215LC) bearing Chassis No.PUNJD21AEP3274631 and Engine No.95418877. The respondent police has registered a case in Crime No.478 of 2023 for the offences under Sections 379 of IPC r/w 21(4) of Mines & Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle for excavating and transporting sand and the same was produced before the concerned Court and the same came to be remanded and the same is under the custody of the respondent police.

3. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, for returning of the said vehicle in Crl.M.P.No.51 of 2025 and the learned



Crl.R.C.(MD)/No.686 of 2025

WEB COPY

Judicial Magistrate, vide order dated 07.02.2025, 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 the accused in this case.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Chassis No.PUNJD21AEP3274631 and Engine No.95418877 is owned by the petitioner and he was not involved in any such offence as alleged by the respondent and if the vehicle is kept in open place, the vehicle will get deteriorated and the value of the vehicle would automatically stand diminished and that therefore interim custody may be granted to the petitioner.



Crl.R.C.(MD)/No.686 of 2025

WEB COPY

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 07.02.2025 passed in Cr.M.P.No.51 of 2025, by the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 07.02.2025 passed in Cr.M.P.No.51 of 2025 by the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, is hereby set aside and the vehicle/ JCB 3DX EXCAVATOR (JCB215LC) bearing Chassis No.PUNJD21AEP3274631 and Engine No.95418877, 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.50,000/-**
(Rupees Fifty Thousand only) as non-refundable deposit for



WEB COPY



Crl.R.C.(MD)/No.686 of 2025

the said vehicle to the credit of the RAY OF LIGHT FOUNDATION, Bank Name: HDFC BANK, A/c No: 50100078904233, A/c Name: Ray of Light Foundation, Branch: HABIBULLAH ROAD, T NAGAR, CHENNAI, IFSC code: HDFC0001864;

- (b) the petitioner shall execute a bond for a sum of **Rs.25,00,000/- (Rupees Twenty Five Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur;
- (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;



WEB COPY



Crl.R.C.(MD)No.686 of 2025

(f) the petitioner shall produce the vehicle before the Court and before the respondent police on the first working day of every English Calendar month until further orders;

20.06.2025

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

gbg

To

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



WEB COPY



Crl.R.C.(MD)No.686 of 2025

L.VICTORIA GOWRI ,J.

gbg

Order made in
Crl.R.C.(MD)No.686 of 2025

Dated: 20.06.2025