



Crl.R.C.(MD)No.486 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.486 of 2025

Jeganathan

... Petitioner

Vs.

State of Tamil Nadu rep. through
The Inspector of Police,
G.Vilakku Police Station,
Andipatti, Theni District.
(Crime No.37 of 2025)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to set aside the order dated 26.03.2025 passed by the learned Judicial Magistrate, Andipatti in Crl.M.P.No.367 of 2025 and allow the criminal revision petition.

For Petitioner : Mr.C.Jeganathan

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.367 of 2025 dated 26.03.2025 on the file of the Judicial



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Magistrate, Andipatti, dismissing the petition filed under Section 497 and 503 B.N.S.S.

2. The petitioner claims to be the owner of Goods Carrier Bharat Benz 1217C BS VI bearing Registration No.TN-60-AH-1689 and Goods Carrier Ashok Leyland Ltd CT 1611/2S-142 WB bearing Registration No.TN-60-F-7696. On 22.02.2025, the respondent police has registered a case in Crime No.37 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 vehicles for the alleged transportation of M-sand.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Andipatti, for returning of the said vehicles in Crl.M.P.No.367 of 2025 and the learned Judicial Magistrate, vide order dated 26.03.2025, 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.



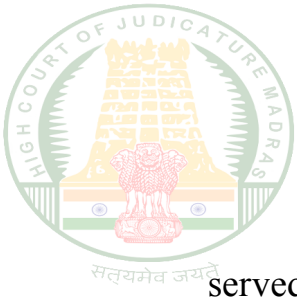
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5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the owner of the vehicles and is an accused in this case, that the petitioner is not having any previous cases for similar offence and that the said vehicle was not involved in any other cases. He would further submit that the value of the vehicle bearing Registration No.TN-60-AH-1689 is worth about Rs.25 lakhs and the value of the vehicle bearing Registration No.TN-60-F-7696 is worth about Rs.14 lakhs.

6. The learned counsel appearing for the petitioner would submit that the vehicles bearing Registration Nos.TN-60-AH-1689 and TN-60-F-7696 are owned by the petitioner, that the said vehicles have no connection whatever with the alleged occurrence, that if the vehicles are kept in open place, the value of the said vehicles 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 vehicles are kept in open place exposing to sun and rain, the value of the vehicles will be deteriorated and no purpose will be



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served in keeping the vehicles in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 26.03.2025 passed in Crl.M.P.No.367 of 2025, by the learned Judicial Magistrate, Andipatti.

8. Accordingly, this Criminal Revision Case stands allowed and the order dated 26.03.2025 passed in Crl.M.P.No.367 of 2025 by the learned Judicial Magistrate, Andipatti, is hereby set aside and the vehicles bearing Registration Nos.TN-60-AH-1689 and TN-60-F-7696, are 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) for each vehicle as non-refundable deposit to the credit of the District Mineral Foundation Trust, Theni District;
- (b) the petitioner shall execute a bond for a sum of **Rs.8,50,000/-**
(Rupees Eight Lakhs and Fifty Thousand only) for the vehicle bearing Registration No.TN-60-AH-1689 and



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Rs.5,00,000/- (Rupees Five Lakhs only) for the vehicle bearing Registration No.TN-60-F-7696, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Andipatti;

- (c) the petitioner shall deposit the original Registration Certificate of the vehicles before the learned Judicial Magistrate, Andipatti;
- (d) The petitioner shall give an undertaking before the respondent/ authority concerned stating that he will not use the vehicles in question for any illegal activities in future, failing which the respondent/trial Court is at liberty to confiscate the vehicles;
- (e) the petitioner shall not alienate and shall not make any alteration in the vehicles;
- (f) the petitioner shall produce the vehicles before the Court and before the respondent police as and when required;

29.04.2025

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

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To

- 1.The Judicial Magistrate,
Andipatti.
- 2.The Inspector of Police,
G.Vilakku Police Station,
Andipatti, Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.R.C.(MD)No.486 of 2025

Dated: 29.04.2025