



CRL RC(MD)No.727 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 07.07.2025**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**CRL RC(MD)No.727 of 2025**

**and**

**CRL MP(MD)No.5992 of 2025**

M.Boopalan

... Petitioner / Petitioner

Vs.

The State of Tamil Nadu,  
represented by,  
The Inspector of Police,  
Thanjavur East Police Station,  
Thanjavur District.  
(Crime No.1166 of 2022)

... Respondent / Respondent

**PRAYER:** Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the order passed in Cr.M.P.No.5892 of 2023 on the file of the learned Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur (Principal Sessions Judge, Thanjavur) dated 10.11.2023 and set aside the same.

For Petitioner : Mr.R.Ponkarthikeyan

For Respondent : Mr.M.Sakthi Kumar,  
Government Advocate



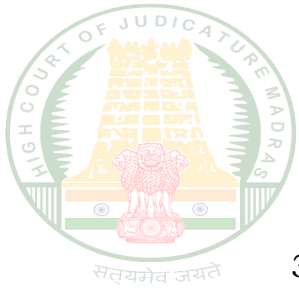
*CRL RC(MD)No.727 of 2025*

**ORDER**

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This Criminal Revision Petition is filed to call for the records pertaining to the order passed in Cr.M.P.No.5892 of 2023 on the file of the learned Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur (Principal Sessions Judge, Thanjavur) dated 10.11.2023 and set aside the same.

2. The learned counsel for the petitioner submitted that a case has been registered by the respondent police in Cr.No.1166 of 2022 u/s 379 of IPC r/w 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, for illegally transporting three units of river sand by using the vehicle in question changing its number plate as TN 72 AC 3137. However, the petitioner is owner of the Ashok Leyland Tipper Lorry bearing registration No.TN 20 AU 6687. The property in question has been seized before three years and is in the custody of the 3<sup>rd</sup> respondent police. The petitioner preferred an application in Cr.M.P.No. 5892 of 2023 seeking return of his vehicle before the learned Principal Sessions Judge, Thanjavur. However, the said application was dismissed by the learned Principal Sessions Judge, Thanjavur, vide order dated 10.11.2023.



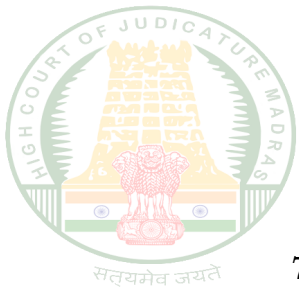
*CRL RC(MD)No.727 of 2025*

3. The petitioner preferred the Criminal Revision Petition as against the order dated 10.11.2023 made in CrI.M.P. No.5892 of 2023 on the file of the learned Principal Sessions Judge, Thanjavur and to set aside the same.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent and carefully perused the materials available on record.

5. The learned Government Advocate (Crl. side) appearing for the respondent would submit that the petitioner is the owner of the vehicle and the accused in this case and the act of changing the number plate cannot be taken easily and pressed for dismissal of the Criminal Revision case.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No. TN 20 AU 6687 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 therefore interim custody may be granted to the petitioner.



*CRL RC(MD)/No.727 of 2025*

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 10.11.2023 passed in Crl.M.P.No.5892 of 2023 by the learned Principal Sessions Judge, Thanjavur.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 10.11.2023 passed in Crl.M.P.No.5892 of 2023 by the learned Principal Sessions Judge, Thanjavur, is hereby set aside and the vehicle viz., Ashok Leyland Tipper Lorry bearing Reg. No.TN 20 AU 6687, 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.1,00,000/- (Rupees One Lakh only) as non-refundable deposit for 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.**



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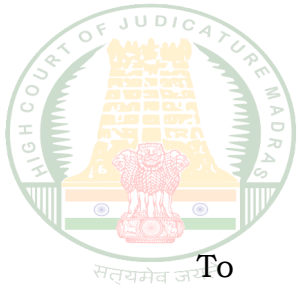
*CRL RC(MD)No.727 of 2025*

**8,00,000/- (Rupees Eight Lakhs only),** with two sureties for a likesum to the satisfaction of the learned Principal Sessions Judge, Thanjavur;

- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Principal Sessions Judge, Thanjavur;
- (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;

**07.07.2025**

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



*CRL RC(MD)No.727 of 2025*

To

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- 1.The Principal Sessions Judge,  
Thanjavur.
- 2.The Inspector of Police,  
Thanjavur East Police Station,  
Thanjavur District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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*CRL RC(MD)No.727 of 2025*

**L.VICTORIA GOWRI, J.,**

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**CRL RC(MD)No.727 of 2025**

**07.07.2025**