



*Crl.R.C.(MD)No.550 of 2025*

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

Crl.R.C.(MD)No.550 of 2025

Athirasu

... Petitioner

Vs.

The State of Tamil Nadu represented by  
The Inspector of Police,  
S.S.Colony Police Station,  
Madurai District.  
(Crime No.148 of 2025)

... Respondent

**PRAYER :** Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the entire records pertaining to the order passed by the learned Judicial Magistrate No.V, Madurai in Crl.M.P.No.1845 of 2025 vide order dated 04.04.2025 and quash the same and consequently, direct the above said learned Judicial Magistrate No.V, Madurai to return the petitioner Tipper Lorry bearing its registration number TN-58-AC-4248 kept in the custody of the above said Court in connection with the case in Crime No.148 of 2025 on the file of the respondent police.



*Crl.R.C.(MD)/No.550 of 2025*

WEB COPY

For Petitioner : Mr.B.Arun

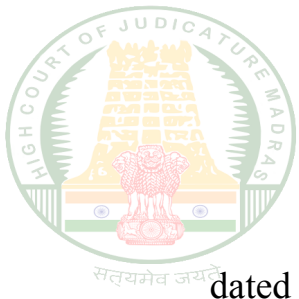
For Respondent : Mr.B.Thanga Aravindh  
Government Advocate (Crl. Side)

**ORDER**

The Criminal Revision is directed against the order passed in Crl.M.P.No.1845 of 2025 dated 04.04.2025 on the file of the Judicial Magistrate No.V, Madurai, dismissing the petition filed under Section 497 r/w 507 B.N.S.S.

2. The petitioner claims to be the owner of tipper lorry bearing Registration No.TN-58-AC-4248. The respondent police has registered a case in Crime No.148 of 2025 for the offences under Section 379 IPC and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle for the alleged transportation of sand.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.V, Madurai, for returning of the said vehicle in Crl.M.P.No.1845 of 2025 and the learned Judicial Magistrate, vide order



*Crl.R.C.(MD)No.550 of 2025*

WEB COPY

dated 04.04.2025, 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 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.15 lakhs.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-58-AC-4248 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.



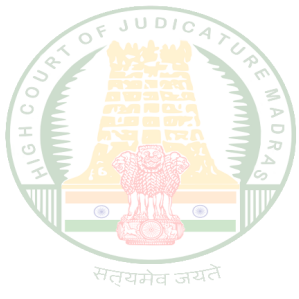
*Crl.R.C.(MD)No.550 of 2025*

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 04.04.2025 passed in Crl.M.P.No.1845 of 2025, by the learned Judicial Magistrate No.V, Madurai.

8. Accordingly, this Criminal Revision Case stands allowed and the order dated 04.04.2025 passed in Crl.M.P.No.1845 of 2025 by the learned Judicial Magistrate No.V, Madurai, is hereby set aside and the vehicle/tipper lorry bearing Registration No.TN-58-AC-4248, 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, Madurai District;



WEB COPY



*Crl.R.C.(MD)/No.550 of 2025*

- (b) the petitioner shall execute a bond for a sum of **Rs.5,00,000/- (Rupees Five Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.V, Madurai;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.V, Madurai;
- (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;

**30.04.2025**

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



WEB COPY



*Crl.R.C.(MD)No.550 of 2025*

**K.MURALI SHANKAR,J.**

csn

To

- 1.The Judicial Magistrate No.V,  
Madurai.
- 2.The Inspector of Police,  
S.S.Colony Police Station,  
Madurai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Order made in  
Crl.R.C.(MD)No.550 of 2025

Dated: 30.04.2025