



Crl.R.C(MD)No.576 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2025

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C(MD)No.576 of 2025

K.Murugan

... Petitioner

Vs.

State rep., by
The Sub Inspector of Police,
Thiruvidaimarudhuar Police Station,
Crime No.709 of 2023

... Respondent

Prayer : Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, to set aside the order passed by the learned District Munsif cum Judicial Magistrate, Thiruvidaimarudhur in Crl.M.P.4001/2024 dated 21.02.2025 and grant interim custody to the petitioners vehicle TATAHITACHI HYDRAULIC EXCAVATOR ZX220 bearing Registration No.THEDCRLOK000000567 in favour of the petitioner.

For Petitioner : Mr.G.Sujeeth

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

ORDER

This criminal revision case is directed against the impugned order passed by the learned Judicial Magistrate, Thiruvidaimaruthur, in Crl.M.P.No.4001 of 2024 dated 21.02.2025, dismissing the petition filed under Section 497 of B.N.S.S.



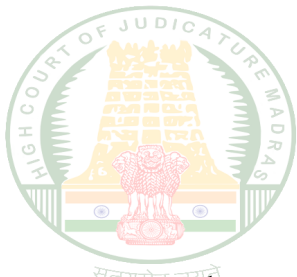
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2. The petitioner claims to be the owner of TATAHITACHI HYDRAULIC EXCAVATOR ZX220 bearing Registration No.THEDCRLOK000000567. On 09.11.2023, the respondent police has registered a case in Crime No.709 of 2023 for the offences under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and seized the above said vehicle for the alleged transportation of river sand.

3. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Thiruvudaimarudhur, for returning of the said vehicle in Crl.M.P.No.4001 of 2024 and the learned District Munsif cum Judicial Magistrate, vide order dated 21.02.2025, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

4. When the matter came up for hearing, Mr.S.S.Manoj, learned Government Advocate (Crl.side), on the basis of the counter affidavit filed by him categorically submitted that the question of allowing this revision case does not arise, because the petitioner is a history sheeter, who had been involved himself in as many as 36 different criminal cases including offences under Sections 302 and 307 of IPC and now, he has taken the route of involving himself in offenses under the Mines and



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Minerals Development Act, 1957.

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5.Per contra, The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has no connection with the alleged offences and he had merely rented the vehicle to the first accused in the crime concerned and for that reason only, he has been wrongly implicated as the second accused. It is also contended that the petitioner had no knowledge of the alleged offence and that it is the first accused, who might have committed. He further submitted that the said vehicle is under the custody of the respondent police for more than six months and the same is subjected to rain and sun and hence, the vehicle is getting deteriorated day-by-day. Therefore, interim custody may be granted to the petitioner.

6. 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 21.02.2025 passed in Crl.M.P.No.4001 of 2024, by the learned District Munsif cum Judicial Magistrate, Thiruvudaimarudhur.

7. Accordingly, this Criminal Revision Case is allowed and the order dated



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21.02.2025 passed in Crl.M.P.No.4001 of 2024 by the learned District Munsif cum
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Judicial Magistrate, Thiruvudaimarudhuar, is hereby set aside and the vehicle/
TATAHITACHI HYDRAULIC EXCAVATOR ZX220 bearing Registration No.
THEDCRLOK000000567, 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 Aishwaryam Trust, Indian Bank, Tirunagar Branch, Madurai, Account No.6639017788, IFSC Code: IDIB000T032;
- (b) the petitioner shall execute a bond for a sum of **Rs.15,00,000/- (Rupees Fifteen Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned (*)District Munsif cum Judicial Magistrate, Thiruvudaimarudhur;
- (c) (*)"The petitioner shall deposit the copy of invoice of the vehicle before the learned District Munsif cum Judicial Magistrate, Thiruvudaimarudhur. The petitioner is also directed to produce an affidavit submitting that the original invoice is in the custody of the finance company and also produced



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a letter from the finance company concerned acknowledging the custody of the original invoice in their office."

(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;

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

Sd/-

Assistant Registrar (CS.I)

(*)To be substituted by the Paragraph No.7(c) mentioned in the order dated 10/07/2025 made in CRL RC(MD)No.576 of 2025.

Sd/-

Assistant Registrar (Per.Admin)

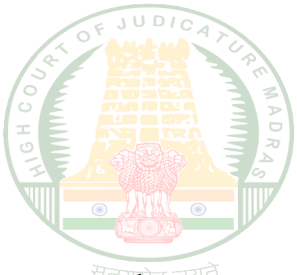
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/ /2025

Sub Assistant Registrar
(CS-I/II/III/IV)

Rmk

To



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1.The District Munsif cum Judicial Magistrate,
Thiruvidadimarudhur.

2.The Sub Inspector of Police,
Thiruvidadimarudhuar Police Station.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

4.The Section Officer,
Criminal Section (Records),
Madurai Bench Of Madras High Court,
Madurai.

Copy To

1.The Officer in Charge,
Aishwaryam Trust,
Indian Bank,
Tirunagar Branch,
Madurai.

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09.06.2025

SL(20.06.2025)/6P/ 8C

SL(11.07.2025)/6P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.