



Crl.R.C(MD)No.625 of 2025

WEB COPY

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.625 of 2025

Vignesh

... Petitioner

Vs.

The State,
rep., by the Inspector of Police,
Gandamanur Police Station,
Theni District.
Crime No.9 of 2025

... Respondent

Prayer : Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, to call for the entire records pertaining to the order passed by the learned Judicial Magistrate, Andipatti in Crl.M.P.No.592 of 2025 vide order dated 15.04.2025 and set aside the same and consequently, direct the above said learned Judicial Magistrate, Andipatti to return the petitioner JCB (Earth Moving Equipment) bearing its registration number TN-96-3204 kept in the custody of the above said Court in connection with the case in Crime No.9 of 2025 on the file of the respondent police.

For Petitioner : Mr.B.Arun



WEB COPY



Crl.R.C(MD)No.625 of 2025

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

ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No.592 of 2025 in Crime No.9 of 2025, on the file of the learned Judicial Magistrate, Andipatti, dismissing the petition filed under Section 497 of BNSS.

2. The petitioner claims to be the owner of the vehicle/JCB (Earth Moving Equipment) bearing Reg.No.TN-96-3204. On 30.01.2025, the respondent police intercepted the vehicle bearing Reg.No.TN-96-3204 and seized the vehicle as the same was used for transporting of red soil illegally without any valid license or permit and registered a case in Crime No.9 of 2025 for the offences under Section 303(2) BNS and 21(4) of MMDR Act.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Andipatti, for returning of the said vehicle in



Crl.R.C(MD)No.625 of 2025

Crl.M.P.No.592 of 2025 and the learned Judicial Magistrate, vide order dated 15.04.2025, 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 (Criminal Side) appearing for the State.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the owner of the vehicle and that the petitioner is not having any previous cases for similar offence and that the said vehicle was not involved in any other cases.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Reg.No.TN-96-3204, is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, that the vehicle is with the police for the past five months, 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.625 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.

8. Accordingly, this Criminal Revision Petition is allowed and the order, dated 15.04.2025 passed in Crl.M.P.No.592 of 2025 by the learned Judicial Magistrate, Andipati, is hereby set aside and the vehicle/JCB bearing Reg.No.TN-96-3204 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;



Crl.R.C(MD)/No.625 of 2025

(b) the petitioner shall execute a bond for a sum of **Rs.10,00,000/-**

WEB CO

(Rupees Ten Lakhs only), 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 vehicle before the learned Judicial Magistrate, Andipatti ;

(d) the petitioner shall not alienate and shall not make any alteration in the vehicle;

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

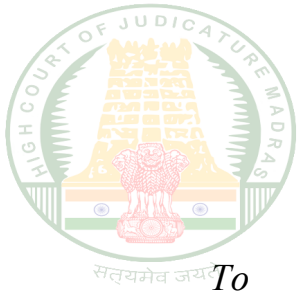
(f) the petitioner shall give an undertaking before the respondent/authority concerned stating that he will not use the vehicle in question for any illegal activities in future, failing which the respondent/trial Court is at liberty to confiscate the vehicle.

09.06.2025

NCC: Yes/No

Index: Yes/No

Rmk



Crl.R.C(MD)No.625 of 2025

WEB COPY

- To
- 1.The Judicial Magistrate, Andipatti.
 - 2.The Inspector of Police,
Gandamanur Police Station,
Theni District.



WEB COPY



Crl.R.C(MD)No.625 of 2025

L.VICTORIA GOWRI,J.

Rmk

Crl.R.C(MD)No.625 of 2025

09.06.2025