

CRL RC(MD)No.613 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.613 of 2025

Saravanan

... Petitioner / Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Sub-Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
(Crime No.39 of 2025)

... Respondent / Respondent

2.Shriram Finance Private Ltd.,
D.No.1/106M, Uthukeni,
Near Balaji Showroom,
Thirumayam, Pudukkottai.

... 2nd Respondent/ 2nd Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the order made in Crl.M.P.No.160 of 2025 dated 12.05.2025 in crime No.39 of 2025 on the file of the District Munsif cum Judicial Magistrate, Thirumayam, to set aside the same and to consequently grant Interim Custody of vehicle bearing registration No.TN-38-CM-6516.

For Petitioner : Mr.V.Vishnu

For Respondent : Mr.S.S.Manoj,
Government Advocate (Criminal)



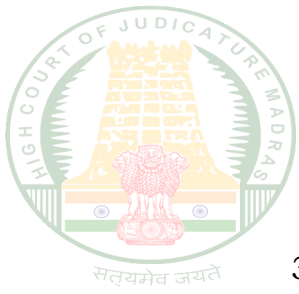
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ORDER

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This Criminal Revision Petition is filed to call for the records pertaining to the order made in CrI.M.P.No.160 of 2025 dated 12.05.2025 in crime No.39 of 2025 on the file of the District Munsif cum Judicial Magistrate, Thirumayam, to set aside the same and to consequently grant Interim Custody of vehicle bearing registration No.TN-38-CM-6516.

2. The petitioner filed a petition to return the vehicle, namely, Bharathbenz Tipper Lorry bearing registration No. TN-38-CM-6516 which was recovered by the respondent police in Crime No.39 of 2025 under Section 303(2) of BNS and 21(1), 21(2) of Mines and Mineral (Development and Regulations) Act, 1957, which is in the custody of the respondent police as on date. However, the learned District Munsif cum Judicial Magistrate, Thirumayam, in CrI.M.P.No.160 of 2025, by an order dated 12.05.2025, dismissed the same, citing that the petitioner neither possessed any permit nor any license while using the vehicle for transport of minerals at the time of seizure. Challenging the same, this revision petition is filed.

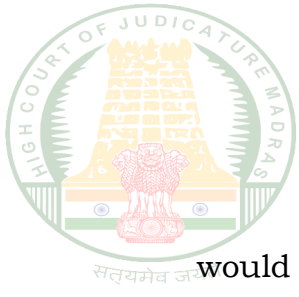


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3. The learned counsel for the petitioner submitted that the driver of the vehicle possessed a valid license and a copy of the same was subsisting at the time of seizure of the vehicle. That apart, he drew my attention that the case is not that the petitioner did not possess any permit but there had been a permit. However, the rough stones were transported beyond the duration/time mentioned in the permit. Only citing that the permit had expired, the seizure came to be made.

4. Per contra, the learned Government Advocate Mr.S.S.Manoj submitted that the details of the destination from where the rough stones have to be transported to which the destination, are clearly mentioned in the petitioner along with the distance as well as the time limit for the said transportation. The petitioner is duty-bound to follow the permit timings in spirit and any violation of the same would warrant the seizure of the vehicle and hence, there is no irregularity in the impugned order.

5. However, the learned counsel for the petitioner pointed out that the application is only for interim custody and the petitioner is relying upon the said vehicle for his livelihood and interim custody of the same



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would cause damage to the property sought for and pressed for allowing the revision petition.

6. Heard the learned counsels on either side and carefully perused the materials available on record.

7. This Court is of the considered view that there is no criminal antecedent as against the petitioner before this case. Even in this case, the petitioner had possessed a permit. However, it is all a matter of time. The rough stones were transported only on the date permitted in the permit. However, there is a lapse of delay of 30 minutes which could be condoned since the rough stones are transported only on the permission permitted by the strength of the said permit.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 12.05.2025 passed in Crl.M.P.No.160 of 2025 by the learned District Munsif cum Judicial Magistrate, Thirumayam, is hereby set aside and the vehicle/ Bharathbenz Tipper Lorry bearing registration No. TN-38-CM-6516, is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to



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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. 11,00,000/- (Rupees Eleven Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thirumayam;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned District Munsif cum Judicial Magistrate, Thirumayam;
- (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



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before the respondent police as and when required;

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05.06.2025

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

To

- 1.The District Munsif cum Judicial Magistrate,
Thiruvidaimaruthur
- 2.The Inspector of Police,
Panthanallur Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

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