

CRL RC(MD)No.644 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 07.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.644 of 2025

Selvarasu

... Petitioner / Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Inspector of
Police,
K.Pudupatti Police Station,
Pudukottai District.

2.Shriram Transport Finance
Co, Ltd.,
B/11, Colony main road,
12th cross, Thillai Nagar,
Trichy.
(Crime No.02 of 2025)

... Respondent / Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records and set aside the order passed in Cr.M.P.No.103 of 2025 by the District Munsif cum Judicial Magistrate, Thirumayam dated 22.04.2025 and release of interim custody of the excavator (JCB) bearing registration No.TN-46-M-3901 seized by the 1st respondent on 09.01.2025.

(Prayer amended as per the order of this Court dated 18.06.2025 in CRL.M.P.(MD)No.7619 of 2025 in CRL.RC.(MD)No.644 of 2025)



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For Petitioner : Mr.T.Lenin Kumar
For R-1 : Mr.S.S.Manoj,
Government Advocate
For R-2 : Mr.Ananth C. Rajesh

ORDER

This Criminal Revision Petition is filed to call for the records and set aside the order passed in Cr.M.P.No.103 of 2025 by the District Munsif cum Judicial Magistrate, Thirumayam dated 22.04.2025 and release of interim custody of the excavator (JCB) bearing registration NO.TN-46-M-3901 seized by the 1st respondent on 09.01.2025.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the JCB bearing Registration No. TN 46 M 3901. The said vehicle was seized by the respondent police in Cr.No.2 of 2025 for the offenses under Section 303(2) of BNS and 21(1), 21(2) of Mines and Minerals (Development and Regulation) Act, 1957 and the same is in the custody of the respondent police. He further contended that the petitioner is the owner of the property, without the vehicle the petitioner unable to meet out his day to day affairs. Hence, the petitioner filed Crl.M.P.No.103 of 2025 before the learned District Munsif cum Judicial Magistrate, Thirumayam, seeking interim custody of the vehicle.



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3. The petitioner preferred this Criminal Revision Petition as against the order dated 22.04.2025 made in Crl.M.P.No.103 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Thirumayam, and to set aside the same.

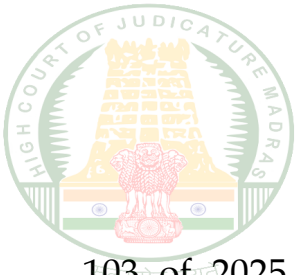
4. Heard the learned counsels on either side and carefully perused the materials available on record.

5. The learned Government Advocate (Criminal side) appearing for the respondent Mr.S.S.Manoj, would fairly submit that the petitioner is the owner of the vehicle and he further categorically contended that this petition should not be allowed for the reason that the confiscation proceedings has already been initiated.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No. TN 46 M 3901 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.

7. Considering 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 22.04.2025 passed in Crl.M.P.No.

<https://www.mhc.tn.gov.in/judis>



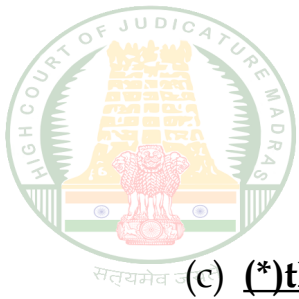
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103 of 2025 on the file of the learned District Munsif cum Judicial Magistrate,
Thirumayam.

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8. Accordingly, this Criminal Revision Case is allowed and the order dated 22.04.2025 passed in CrI.M.P.No.103 of 2025 by the learned District Munsif cum Judicial Magistrate, Thirumayam, is hereby set aside and the vehicle viz., JCB bearing Registration No. TN 46 M 3901, 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.4,50,000/- (Rupees Four Lakhs and Fifty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thirumayam;



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(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 before the respondent police as and when required;

Sd/-

07.07.2025

(*)Corrected as per order of this Court dated 23/07/2025 made in CrI RC(MD). 644/2025

Sd/-

Assistant Registrar (CS III)

// True Copy //

/08/2025

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

Sml



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To:- व जयदे

(*)To be substituted to the order already despatched on 13/08/2025

1.The District Munsif cum Judicial Magistrate,
Thirumayam.

2.The Inspector of Police,
K.Pudupatti Police Station,
Pudukottai District.

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

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BENCH OF MADRAS HIGH COURT, MADURAI. (2 Copies)

+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-41032[F] dated 08/07/2025)

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-41217[F] dated 08/07/2025)

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II/02.09.2025 6P/ 8C

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