

CRL RC(MD)No.624 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.624 of 2025

B.Kumaresan

... Petitioner / Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Inspector of Police,
Gandamanur Police Station,
Theni District.
(Crime No.21 of 2025)

2.R.K.Chandrasekar

... Respondents / Respondents

*(R-2 is impleaded as per the order of this Court dated
23.06.2025 in CrI.M.P.(MD)No.7918 of 2025 in
CrI.RC(MD)No.624 of 2025)*

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the impugned order dated 09.04.2025 passed in CrI.M.P.No.568 of 2025 by the learned Judicial Magistrate, Andipatti, Theni, and set aside the same and consequently direct the learned Judicial Magistrate, Andipatti, Theni District to release the petitioner's vehicle Tractor along with Tractor, bearing registration No.TN 60 E 4366, stand in the respondent police for the custody of the petitioner.

For Petitioner : Mr.Kannan Gurusami



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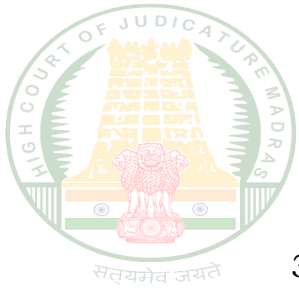
For R-1 : Mr.S.S.Manoj,
Government Advocate (Crl. Side)

For R-2 : Mr.A.Purantharadhasar

ORDER

Challenging the order passed by the learned Judicial Magistrate, Andipatti, Theni, in Crl.M.P.No.568 of 2025, dated 09.04.2025, this Criminal Revision case is filed.

2. The learned counsel for the petitioner submitted that on 21.01.2025 while patrolling the 1st respondent police found that the JCB and 7 tractors took the red sand without permission from the Mines and Minerals Department. Hence, the respondent police registered a case in crime No.21 of 2025 as against the 10 accused for the alleged offences u/s. 303(2) of BNS and 21(4) of MMDR Act, 1957. Consequently, the petitioner's vehicle was seized by the 1st respondent police. The petitioner filed an application in Crl.M.P.No.568 of 2025 before the learned Judicial Magistrate, Andipatti, Theni, seeking return of the property. The said application was dismissed, vide order dated 09.04.2025, on the ground that the applicant was not the owner of the vehicle. Challenging the same, the present Criminal Revision case is filed.



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3. The learned counsel for the petitioner further submitted that the owner of the vehicle is impleaded as the second respondent by this Court and Thiru.R.K.Chandrasekar/2nd respondent has filed an affidavit stating that he has no objection for release of vehicle which is in interim custody in crime No.21 of 2025 to the petitioner herein.

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

5. The learned Government Advocate appearing for the 1st respondent would submit that the petitioner is not the owner of the vehicle and the accused in this case and the said vehicle was not involved in any other cases.

6. The learned counsel appearing for the petitioner would submit that the petitioner 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 facts and circumstances of the case and also the fact that if the vehicle is kept in open place exposing to sun and

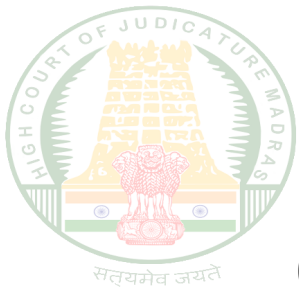


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rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 09.04.2025 passed in Crl.M.P.No.568 of 2025 by the learned Judicial Magistrate, Andipatti, Theni.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 09.04.2025 passed in Crl.M.P.No.568 of 2025 by the learned Judicial Magistrate, Andipatti, Theni, is hereby set aside and the vehicle viz., tractor along with trailer bearing registration No. TN 60 E 4366, 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.50,000/- (Rupees Fifty 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. 1,50,000/- (Rupees One Lakh Fifty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Andipatti, Theni;



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- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Andipatti, Theni;
- (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.

15.07.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

Sml

To

1.The Judicial Magistrate,
Andipatti, Theni.

2.The Inspector of Police,
Gandamanur Police Station,
Theni 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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