



CRL RC(MD)No634 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.634 of 2025

Sankar Ganesh

... Petitioner / Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Sub Inspector of Police,
Thirumayam Police Station,
Pudukottai District.
(Crime No.49 of 2025)

2.Cholamandalam Investment and
Finance Ltd.,
First Floor, SPK Corporate Center,
No.45, Shanmugaraja Road,
Near Ambedkar Statue,
Karaikudi-630 002,
Sivagangai District.

... Respondents / Respondents

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records relating to the order dated 14.05.2025 made in CrI.M.P.No.167 of 2025 on the file of the Learned District Munsif cum Judicial Magistrate, Thirumayam and to set aside the same and to release the Vehicle Ashok Leyland Tipper Lorry bearing No.TN 65 Z 6050.

For Petitioner : Mr.P.Arun Jayatram

For R-1 : Mr.S.Ravi,
Additional Public Prosecutor



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ORDER

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This Criminal Revision Petition is filed to call for the records relating to the order dated 14.05.2025 made in CrI.M.P.No.167 of 2025 on the file of the Learned District Munsif cum Judicial Magistrate, Thirumayam and to set aside the same and to release the Vehicle Ashok Leyland Tipper Lorry bearing No.TN 65 Z 6050.

2. The petitioner purchased the vehicle, i.e., Ashok Leyland Tipper Lorry bearing registration No.TN65Z6050 under hypothecation agreement from the 2nd respondent. The vehicle was seized by the 1st respondent police while transporting rough stones and registered a case in crime No.49 of 2025 u/s 303(2) of BNS Act and Sec 21(1), 21(2) of the Mines and Minerals Act, 1957, on 18.02.2025. The petitioner filed an application in CrI.M.P.No.167 of 2025 u/s 497 @ 503 of BNSS Act for return of the property. The said application was dismissed by the learned Judicial Magistrate, Thirumayam, vide order dated 14.05.2025.

3. The petitioner preferred the Criminal Revision Petition as against the order dated 14.05.2025 made in CrI.M.P. No.167 of 2025 on the file of the learned District Munsif cum Judicial Magistrate,



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Thirumayam, and to set aside the same.

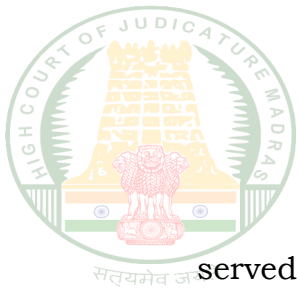
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4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and carefully perused the materials available on record.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is 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 vehicle bearing Registration No. TN65Z6050 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 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



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served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 14.05.2025 passed in Crl.M.P.No.167 of 2025 by the learned District Munsif cum Judicial Magistrate, Thirumayam.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 14.05.2025 passed in Crl.M.P.No.167 of 2025 by the learned District Munsif cum Judicial Magistrate, Thirumayam, is hereby set aside and the vehicle viz., Tata Motors Tipper Lorry bearing registration No. TN65Z6050, 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. 8,60,000/- (Rupees Eight Lakhs and Sixty Thousand 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



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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;

10.06.2025

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

To

- 1.The District Munsif cum Judicial Magistrate,
Thirumayam.
- 2.The Sub Inspector of Police,
Thirumayam Police Station,
Pudukottai 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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