



CRL RC(MD)No.1041 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.1041 of 2025

Ajith Kumar

... Revision Petitioner/ Petitioner /
Accused No.2

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur.
(Crime No.629 of 2024)

... Respondent / Respondent /
Complainant

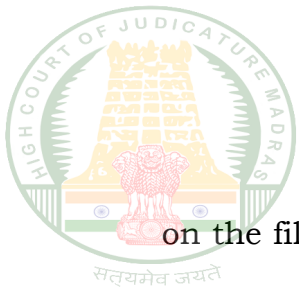
PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the entire records and set aside the order dated 13.02.2025, passed in CrI.M.P.No.102/2025 on the file of the learned Judicial Magistrate No.II at Kumbakonam in Crime No.629 of 2024 on the file of the respondent police.

For Petitioner : Mr.K.Thenrajan

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

ORDER

This Criminal Revision Petition is filed to call for the entire records and set aside the order dated 13.02.2025, passed in CrI.M.P.No.102/2025



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on the file of the learned Judicial Magistrate No.II at Kumbakonam in Crime No.629 of 2024 on the file of the respondent police.

2. The case of the prosecution is that the respondent filed a FIR in Crime No.629 of 2024 for an alleged offence under Section 303(2) of BNS Act, 2023, and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, for illegal transport of three units of small pebbles through Tipper Lorry bearing registration No.TN-31-AS 7466. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed CrI.M.P.No.102 of 2025 for the return of vehicle before the learned Judicial Magistrate No.II at Kumbakonam, and the same was dismissed on 13.02.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 13.02.2025 made in CrI.M.P.No.102 of 2025 on the file of the learned Judicial Magistrate No.II at Kumbakonam, 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



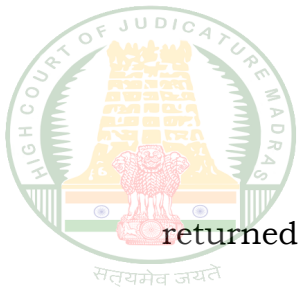
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respondent Mr.S.S.Manoj, submitted that if the vehicle is returned to the petitioner, there is possibility for the vehicle being used for the commission of similar offence and there are five previous cases as against the petitioner and objected to grant interim custody of the vehicle to the petitioner.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-31-AS 7466 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 13.02.2025 passed in Crl.M.P.No.102 of 2025 by the learned Judicial Magistrate No.II at Kumbakonam.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 13.02.2025, passed in Crl.M.P.No.102 of 2025 by the learned Judicial Magistrate No.II at Kumbakonam, is hereby set aside and the vehicle viz., Tipper Lorry bearing Registration No.TN-31-AS 7466, is ordered to be



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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 Adyar Cancer Institute (Union Bank, Name: Cancer Institute (WIA), Account No: 149710011005477, IFSC Code: UBIN0814971), Chennai;
- (b) the petitioner shall execute a bond for a sum of **Rs. 8,00,000/- (Rupees Eight Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.II at Kumbakonam;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.II at Kumbakonam;
- (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 learned



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Trial Court once in a month i.e, on 1st Monday of english
calendar month;

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

To

- 1.The Judicial Magistrate No.II
at Kumbakonam.
- 2.The Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur.
- 3.Cancer Institute (WIA) (Adayar
Cancer Institute),
Dr. S. Krishnamurthi campus – 38
Sardar Patel Road,
Adjacent to I.I.T. Madras,
Chennai – 600 036.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

Sml

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