



Crl.R.C.(MD)No.722 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.722 of 2025

Kirubakaran

... Petitioner/Petitioner/
Owner of vehicle

Vs.

1.Sambath

... Respondent/1st Respondent

2.The State of Tamil Nadu rep. by
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(Crime No.478 of 2024)

... Respondent/2nd Respondent/
Complainant

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records relating to the order of the learned Judicial Magistrate Court, Aranthangi in Crl.M.P No.1592/2024, dated 14.03.2025 filed by the petitioner under section 497 of BNSS and set aside the same as illegal and entrust the custody of the vehicle to the petitioner.

For Petitioner : Mr.K.C.Maniyarasu



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For R1 : Mr.C.Prithiviraj

For R2 : Mr.S.S.Manoj
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.1592 of 2024 in Crime No.478 of 2024 dated 14.03.2025 on the file of the Judicial Magistrate Court, Aranthangi, dismissing the petition filed under Section 497 of BNSS.

2. The petitioner claims to be the owner of the Mahindra Load King bearing Reg No.TN 28 AM 2380. The respondent police has registered a case in Crime No.478 of 2024 for the offences under Sections 303(2) of BNS r/w 21(1), 21(2) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle for the illegal transportation of river sand and the same was produced before the concerned Court and the same came to be remanded in R.P.No.157 of 2024 and the same is under the custody of the respondent police.



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3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate Court, Aranthangi, for returning of the said vehicle in Crl.M.P.No.1592 of 2024 and the learned Judicial Magistrate, vide order dated 14.03.2025, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

4. Heard the learned counsel appearing for the petitioner, learned counsel appearing for the 1st respondent and the learned Government Advocate (Crl. Side) appearing for the 2nd respondent. The learned counsel for the 1st respondent has expressed no objection to hand over the vehicle to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the 2nd respondent would submit that the petitioner is the owner of the vehicle and the accused in this case.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Reg No.TN 28 AM 2380 is owned by the



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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 that 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 served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 14.03.2025 passed in Crl.M.P.No.1592 of 2024, by the learned Judicial Magistrate Court, Aranthangi.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 14.03.2025 passed in Crl.M.P.No.1592 of 2024 by the learned Judicial Magistrate Court, Aranthangi, is hereby set aside and the vehicle/ Mahindra Load King bearing Reg No.TN 28 AM 2380, is ordered to be returned to the petitioner for interim custody subject to the



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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.75,000/- (Rupees Seventy Five Thousand only)** as non-refundable deposit for the said vehicle to the credit of 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.2,00,000/- (Rupees One Lakh and Fifty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate Court, Aranthangi;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate Court, Aranthangi;
- (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



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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 on first working day of every English Calendar month until further orders.

01.08.2025

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

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To

- 1.The Judicial Magistrate,
Aranthangi.
- 2.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
- 3.Ray of Light Foundation,
No.10, Nageswara Road,
Nungambakkam, Chennai-600 034.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
Crl.R.C.(MD)No.722 of 2025

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