



CRL RC(MD)No.714 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.714 of 2025

Santhi

... Petitioner

Vs.

1.The State of Tamilnadu Rep. By its
The Inspector of Police,
K.Puduppatti Police Station,
Pudukkottai District.
(Crime No.10 of 2025)

2.Vasuki

... Respondents

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records relating to the order of the learned District Munsif cum Judicial Magistrate, Thirumayam, in CrI.M.P.No.93 of 2025 dated 05.04.2025 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

For 1st Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal side)

For 2nd Respondent : Mr.C.Prithviraj



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ORDER

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This Criminal Revision Petition is filed to call for the records relating to the order of the learned Judicial Magistrate, Thirumayam, in CrI.M.P.No. 93 of 2025 dated 05.04.2025 and set aside the same and entrust the custody of the vehicle to the petitioner.

2. The case of the prosecution is that the respondent filed a FIR in Crime No.10 of 2025, under Section 303(2) of BNS, 2023 r/w. Sections 21(1) and 21(2) of Mines and Minerals (Development and Regulations) Act, for illegal transport of sand through JCB vehicle bearing registration No.TN-55-BX-0604. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed CrI.M.P.No.93 of 2025 for the return of vehicle before the learned Judicial Magistrate, Thirumayam, and the same was dismissed on 05.04.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 05.04.2025 made in CrI.M.P.No.93 of 2025 on the file of the learned 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.



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5. The learned Government Advocate (Criminal side) appearing for the 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 objected to grant interim custody of the vehicle to the petitioner.

6. The learned counsel appearing for the second respondent has no objection in granting interim custody of the vehicle to the petitioner.

7. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-55-BX-0604 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.

8. Considering the fact that there is no previous case as against the petitioner 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 05.04.2025 passed in CrI.M.P.No.93 of 2025 by the learned Judicial



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Magistrate, Thirumayam.

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9. Accordingly, this Criminal Revision Case is allowed and the order dated 05.04.2025, passed in CrI.M.P.No.93 of 2025 by the learned Judicial Magistrate, Thirumayam, is hereby set aside and the vehicle viz., JCB bearing Registration No.TN-55-BX-0604, 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 Aishwaryam Trust (Indian Bank, Account No: 6639017788, IFSC Code: IDIB000T032), Madurai District ;
- (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 Judicial Magistrate, Thirumayam ;
- (c) the petitioner shall deposit the original invoice of the vehicle before the learned 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,



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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;

14.07.2025

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

To

- 1.The Judicial Magistrate, Thirumayam.
- 2.The Inspector of Police,
K.Puduppatti Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

Mrn

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