



CRL RC(MD)No.672 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.672 of 2025

Kumar

... Petitioner / Petitioner

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Andipatti Police Station,
Theni District.
(In Crime No.84/2025)

... Respondent / Respondent

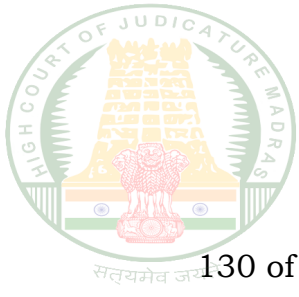
PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records relating to CrI.M.P.No.566 of 2025 order dated 08.04.2025 in R.P.R.No.130 of 2025 on the file of the learned Judicial Magistrate, Andipatti, and set aside the impugned order passed therein and grant interim custody to the petitioner's vehicle-Tractor bearing registration No.TN-48-V-3381.

For Petitioner : Mr.M.Karuppasamypandian

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

ORDER

This Criminal Revision Petition is filed to call for the records relating to CrI.M.P.No.566 of 2025 order dated 08.04.2025 in R.P.R.No.



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130 of 2025 on the file of the learned Judicial Magistrate, Andipatti, and set aside the impugned order passed therein and grant interim custody to the petitioner's vehicle-Tractor bearing registration No.TN-48-V-3381.

2. The case of the prosecution is that the respondent filed a FIR in crime No.84 of 2025, under Section 303(2) of BNS and 21(4) of the MMDR Act, for illegal transport of sand through Tractor bearing registration No.TN-48-V-3381. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed CrI.M.P.No.566 of 2025 in R.P.R.No.130 of 2025 for the return of property before the learned Judicial Magistrate, Andipatti, and the same was dismissed on 08.04.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 08.04.2025 made in CrI.M.P.No.566 of 2025 on the file of the learned Judicial Magistrate, Andipatti, 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, would fairly submit that the petitioner is the owner of the vehicle and he further categorically contended that this petition should not be allowed for the reason that the confiscation proceedings has already been initiated.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-48-V-3381 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 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 08.04.2025 passed in Crl.M.P.No.566 of 2025 in R.P.R.No.130 of 2025 by the learned Judicial Magistrate, Andipatti.



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8. Accordingly, this Criminal Revision Case is allowed and the order dated 08.04.2025 passed in Crl.M.P.No.566 of 2025 in R.P.R.No. 130 of 2025 by the learned Judicial Magistrate, Andipatti, is hereby set aside and the vehicle viz., Tractor bearing Registration No.TN-48-V-3381 , 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 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. 1,30,000/- (Rupees One Lakh and Thirty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Andipatti;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Andipatti;
- (d) The petitioner shall give an undertaking before the respondent/ authority concerned stating that he will not use



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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;

16.06.2025

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

To

- 1.The Judicial Magistrate,
Andipatti.
- 2.The Inspector of Police,
Andipatti 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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