

CRL RC(MD)No.685 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.685 of 2025

V.Andavar

... Petitioner / Petitioner

Vs.

The State of Tamilnadu,
Rep. by Inspector of Police,
Rajathani Police Station,
Theni District.
(Crime No.35 of 2025)

... Respondent / Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to allow this Criminal Revision Petition and to call for the records and setting aside the order dated 28.04.2025 passed in CrI.M.P.No. 671 of 2025 in R.P.R.No.139 of 2025 by the learned Judicial Magistrate, Andipatti and grant interim custody to petitioner's vehicle Ashok Leyland Tipper Lorry bearing registration No.TN-36-BZ-3975 and Mahindra Tractor along with Trailer bearing registration No.TN-60-AF-8192.

For Petitioner : Mr.T.T.Nishanth

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

ORDER

This Criminal Revision Petition is filed to set aside the order passed in CrI.M.P.No.671 of 2025 in R.P.R.No.139 of 2025 dated 28.04.2025, by the



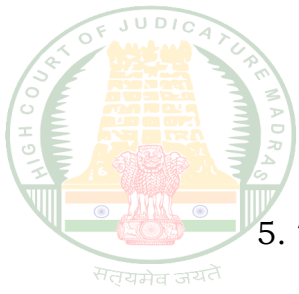
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learned Judicial Magistrate, Andipatti and grant interim custody to the petitioner's vehicle Ashok Leyland Tipper Lorry bearing registration No.TN-36-BZ-3975 and Mahindra Tractor along with Trailer bearing registration No.TN-60-AF-8192.

2. The case of the prosecution is that the respondent filed a FIR in Crime No.35 of 2025, under Section 303(2) of BNS and 21(4) of the MMDR Act, for illegal transport of sand through Ashok Leyland Tipper Lorry bearing registration No.TN-36-BZ-3975 and Mahindra Tractor along with Trailer bearing registration No.TN-60-AF-8192. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed CrI.M.P.No.671 of 2025 in R.P.R.No.139 of 2025 for the return of property before the learned Judicial Magistrate, Andipatti, and the same was dismissed on 28.04.2025.

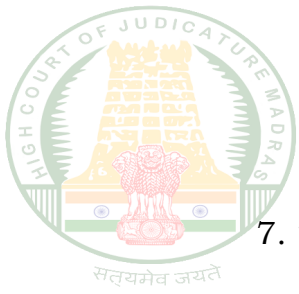
3. The petitioner preferred this Criminal Revision Petition as against the order dated 28.04.2025 made in CrI.M.P.No.671 of 2025 on the file of the learned Judicial Magistrate, Andipatti, and to set aside the same.

4. Heard the learned counsels on either side and carefully perused the materials available on record.



5. The learned Government Advocate (Criminal side) appearing for the respondent submitted that though the petitioner possess registration certificate with respect to the tipper lorry and Mahindra Tractor, he has failed to produce RC book with respect to Trailer, which was seized. Hence, the Petition cannot be allowed by all means. In the absence of registration certificate for the Trailer, the Criminal Revision Case necessarily should be dismissed.

6. The learned counsel appearing for the petitioner relying upon the order passed by the Karnataka High Court in Criminal Appeal No.317 of 2024 in **Chandramma v. State**, dated 23.02.2024, submitted that the release of the motor vehicle cannot be rejected on the ground that there are violations of provisions of Motor Vehicles Act and Rules. The objections raised by the learned Government Advocate is with respect to the inability of the petitioner herein to produce the RC book of the Trailer concerned, which will not be fatal to the case of the petitioner herein. The petitioner is an agriculturer and he duly possessed registration certificate for the tipper lorry and tractor concerned. However, he did not register the trailer with the RTO authorities and the same can be considered as the violation of the provisions of Motor Vehicles Acts. If the vehicle is kept in open place, the vehicle will get deteriorated and the value of the vehicle would automatically stand diminished. Following the mandates of Hon'ble High Court of Karnataka, he pressed for allowing the Criminal Revision Case.



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7. Though it is mandatory that a Trailer along with tractor should be registered with the RTO authorities as rightly submitted by the learned Government Advocate, this Court is of the considered view that the same could be treated as violation under the Motor Vehicles Act and Rules. Considering the fact that the petitioner is a agriculturist 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 28.04.2025 passed in CrI.M.P.No.671 of 2025 in R.P.R.No.139 of 2025 by the learned Judicial Magistrate, Andipatti.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 28.04.2025 passed in CrI.M.P.No.671 of 2025 in R.P.R.No.139 of 2025 by the learned Judicial Magistrate, Andipatti, is hereby set aside and the vehicle viz., Ashok Leyland Tipper Lorry bearing registration No.TN-36-BZ-3975 and Mahindra Tractor along with Trailer bearing registration No.TN-60-AF-8192, 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 RAY OF LIGHT FOUNDATION, Bank Name: HDFC BANK, A/c No:50100078904233, A/c Name: Ray of



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Light Foundation, Branch: HABIBULLAH ROAD, T NAGAR,
CHENNAI, IFSC code: HDFC0001864;

- (b) the petitioner shall execute a bond for a sum of **Rs.14,00,000/- (Rupees Fourteen Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Andipatti;
- (c) the petitioner shall forthwith register the Trailer with the RTO authorities within a period of four weeks from the date of receipt of copy of this order.
- (d) the petitioner shall deposit the original Registration Certificate of the vehicles before the learned Judicial Magistrate, Andipatti;
- (e) The petitioner shall give an undertaking before the respondent/ authority concerned stating that he will not use the vehicles in question for any illegal activities in future, failing which the respondent/trial Court is at liberty to confiscate the vehicles;
- (f) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (g) the petitioner shall produce the vehicles before the Court and before the respondent police as and when required;

19.06.2025

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



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WEB COPY

To

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