

Crl.R.C.(MD)No.694 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.694 of 2025

Kulanthaivel

... Petitioner

Vs.

1.State of Tamil Nadu rep. by
The Sub Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
(Crime No.16 of 2025)

2.Udhayakumar

... Respondents

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records and set aside the impugned order passed by the learned District Munsif cum Judicial Magistrate, Thirumayam in Crl.M.P.No.148 of 2025 in Crime No.16 of 2025, dated 29.04.2025.

For Petitioner : Mr.A.Abdulkabur

For R1 : Mr.S.S.Manoj
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.148



Crl.R.C.(MD)No.694 of 2025

of 2025 in Crime No.16 of 2025 dated 29.04.2025 on the file of the District Munsif cum Judicial Magistrate, Thirumayam dismissing the petition filed under Section 497 of B.N.S.S.

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2. The petitioner claims to be the lease holder and the 2nd respondent is the owner of the vehicle Bharat Benz bearing Registration No.TN 63 AP 4113. The respondent police has registered a case in Crime No.16 of 2025 for the offences under Sections 303(2) of BNS and 21(1), 21(2) of Mines and Minerals (Development and Regulation Act) and seized the above said vehicle for the alleged illegal transportation of sand and the same was produced before the concerned Court and the same came to be remanded and the same is under the custody of the respondent police.

3. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Thirumayam, for returning of the said vehicle in Crl.M.P.No.148 of 2025 and the learned Judicial Magistrate, vide order dated 29.04.2025, 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 and the learned Government Advocate (Crl. Side) appearing for the respondent.



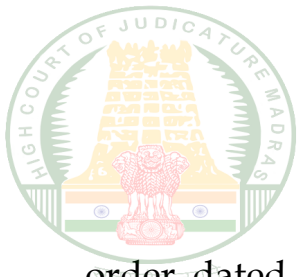
Crl.R.C.(MD)No.694 of 2025

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5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner herein is not the owner of the vehicle which is sought to be returned. For which, the learned counsel for the petitioner submitted that he is a lease holder and the 2nd respondent is the owner of the vehicle. Since the 2nd respondent is presently employed in London, United Kingdom, he is not able to appear in person and hence, he has appeared virtually and also e-mailed an affidavit to this Court confirming that he has let the Bharat Benz Tipper Lorry bearing Registration No.TN 63 AP 4113 by way of lease to the petitioner herein.

6. The learned counsel appearing for the petitioner would submit that 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



Crl.R.C.(MD)No.694 of 2025

order dated 29.04.2025 passed in Crl.M.P.No.148 of 2025, by the learned District

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Munsif cum Judicial Magistrate, Thirumayam.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 29.04.2025 passed in Crl.M.P.No.148 of 2025 by the learned District Munsif cum Judicial Magistrate, Thirumayam, is hereby set aside and the vehicle/ Bharat Benz Tipper Lorry bearing Registration No.TN 63 AP 4113, 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.50,000/- (Rupees Fifty Thousand only)** as non-refundable deposit for the said vehicle to the credit of MANOLAYA, Bank Name: INDIAN OVERSEAS BANK, A/c No: 025302000000284, A/c Name: MANOLAYA, Branch: Kottaram, IFSC code: IOBA0000253;
- (b) the petitioner shall execute a bond for a sum of **Rs.8,50,000/- (Rupees Eight Lakh and Fifty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thirumayam;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned District Munsif cum Judicial Magistrate,



Crl.R.C.(MD)No.694 of 2025

WEB COPY

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, 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 at (*)10.30 a.m and before the respondent police at (*)12.00 a.m. on the first working day of every English Calendar month until further orders;

Sd/-

Assistant Registrar(CS-III)

(*)Amended as per order of this Court dated 28/07/2025 made in CRL.RC(MD)No.694 of 2025.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2025

Sub Assistant Registrar
(CS-I / II / III / IV)

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Crl.R.C.(MD)No.694 of 2025

To मेव जयते

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- 1.The District Munsif cum Judicial Magistrate,
Thirumayam.
- 2.The Sub Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

Order made in
Crl.R.C.(MD)No.694 of 2025
Dated: 10.07.2025

RA - (11.08.2025) 6P/ 6 C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.