

CrI.R.C.(MD)No.715 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.R.C.(MD)No.715 of 2025

Ramesh

... Petitioner

Vs.

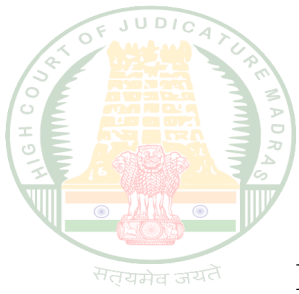
1.The Sub Inspector of Police,
Arimalam Police Station,
Cr.No.37/2025,
U/s.303(2) of BNS and 21(1), 21(2) MM(D&R)Act.

2.PRS.Enterprises

3.Business Manager,
Shriram Finance Limited,
2nd Floor, No.4098,
Parson Complex,
South 4th Street, Pudukkottai.

... Respondents

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records pertaining to the impugned order passed by the learned Judicial Magistrate, Thirumayam, Pudukkottai in Cr.M.P.No.189 of 2025 dated 09.06.2025 and set aside the same as illegal and void, consequently direct the respondent to release the Bharat Benz Tipper Lorry bearing registration No.TN 87 A 5745 to the petitioner.



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For Petitioner : Mr.C.Karthikeyan

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

For R2 : Mr.S.Deepaksiva

For R3 : Mr.Ananth C.Rajesh

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.189 of 2025 in Crime No.37 of 2025 dated 09.06.2025 on the file of the District Munsif cum Judicial Magistrate, Thirumayam, Pudukkottai, dismissing the petition filed under Section 497 of B.N.S.S.

***“2. The petitioner is the agreement holder and 2nd respondent is the owner of the Bharat Benz Tipper Lorry bearing registration No.TN 87 A 5745.”** The respondent police has registered a case in Crime No.37 of 2025 for the offences under Sections 303(2) of BNS and 21(1), 21(2) Mines & Minerals (Development & Regulation) Act on 10.04.2025 and seized the above said vehicle for the alleged illegal transportation of gravel 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.



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3. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Thirumayam, Pudukkottai, for returning of the said vehicle in Crl.M.P.No.189 of 2025 and the learned Judicial Magistrate, vide order dated 09.06.2025, 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, the learned Government Advocate (Crl. Side) appearing for the respondent and the learned counsel appearing for the respondents 2 and 3.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the owner of the vehicle and the accused in this case. The learned counsel for the respondents 2 and 3 have submitted that they have no objection to the release of the vehicle.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 87 A 5745 is owned by the petitioner and he was not involved in any such offence as alleged by the respondent and if the vehicle is



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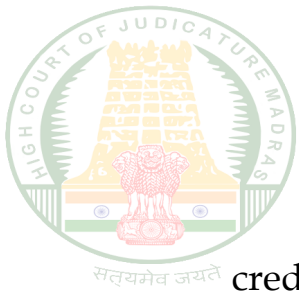
kept in open place, the vehicle will get deteriorated and the value of the vehicle would automatically stand diminished and that therefore interim custody may be granted to the petitioner.

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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 09.06.2025 passed in Crl.M.P.No.189 of 2025, by the learned District Munsif cum Judicial Magistrate, Thirumayam, Pudukkottai.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 09.06.2025 passed in Crl.M.P.No.189 of 2025 by the learned District Munsif cum Judicial Magistrate, Thirumayam, Pudukkottai, is hereby set aside and the vehicle/ Bharat Benz Tipper Lorry bearing registration No.TN 87 A 5745, 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.75,000/- (Rupees Seventy Five Thousand only)** as non-refundable deposit for the said vehicle to the

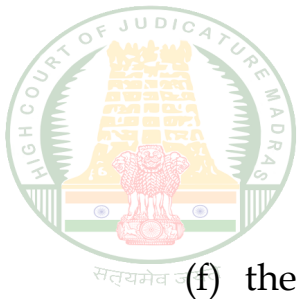


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credit of the Aishwaryam Trust, Indian Bank, Tirunagar Branch, Madurai,
Account No.6639017788, IFSC Code: IDIB000T032;

- (b) the petitioner shall execute a bond for a sum of **Rs.5,00,000/- (Rupees Three Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thirumayam, Pudukkottai;
- (c) ** the petitioner shall deposit the agreement between 2nd respondent and petitioner, dated 26.02.2025. After registration, original Registration Certificate is directed to be produced within a period of two (2) weeks before the Trial Court. The petitioner is directed to produce the affidavit in this regard before the Trial Court.
- (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;



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(f) the petitioner shall produce the vehicle before the Court at 10.30 a.m., on

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

Sd/-

Assistant Registrar (CS-I)

(*)Corrected as per order of this Court dated 29/08/2025 made in Crl.R.C. (MD)No.715 of 2025

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ / 2025

Sub-Assistant Registrar
(C.S - I / II/ III / IV)

gbg

To

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



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+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-43943[F] dated 17/07/2025)

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Dated: 16.07.2025

CT (09/09/2025) 7P/5C

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