

CRL RC(MD)No.732 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 24.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.732 of 2025

Dhanalakshmi

... Petitioner /
Owner of the vehicle

Vs.

1.The State of Tamilnadu Rep. By its,
The Inspector of Police,
Panayapatti Police Station,
Pudukkottai District.
(*)(Crime No.17/2025)

1st Respondent / Complaint

2.The Branch Manager,
Shriram Finance Ltd.,
Pudukkottai District.

2nd Respondent / Defacto
Complaint

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records relating to the order of the learned District Munsif cum Judicial Magistrate, Thirumayam in CrI.M.P.No.146 of 2025 dated 22.04.2025, 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 Respondents

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



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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 District Munsif cum Judicial Magistrate, Thirumayam in Crl.M.P.No.146 of 2025 dated 22.04.2025 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.17 of 2025, under Section 303(1) of BNS and 24(A) of the Mines and Minerals (Development & Regulation) Act, for illegal transport of sand through Ashok Leyland lorry bearing registration No.TN-55-S-1029. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed Crl.M.P.No.146 of 2025 for the return of vehicle before the learned District Munsif cum Judicial Magistrate, Thirumayam, and the same was dismissed on 22.04.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 22.04.2025 made in Crl.M.P.No.146 of 2025 on the file of the learned District Munsif cum 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 petitioner would submit that the vehicle bearing Registration No.TN-55-S-1029 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. Notice to the second respondent is dispensed with because their endorsement is reflected in the RC book.

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 22.04.2025 passed in Crl.M.P.No.146 of 2025 by the learned District Munsif cum Judicial Magistrate, Thirumayam.

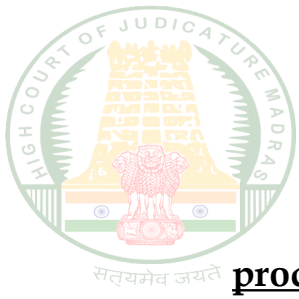


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9. Accordingly, this Criminal Revision Case is allowed and the order dated 22.04.2025 passed in Crl.M.P.No.146 of 2025 by the learned District Munsif cum Judicial Magistrate, Thirumayam, is hereby set aside and the vehicle viz., Ashok Leyland Lorry bearing Registration No.TN-55-S-1029, 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 Light Foundation, Branch: HABIBULLAH ROAD, T NAGAR, CHENNAI, IFSC code: HDFC0001864;
- (b) the petitioner shall execute a bond for a sum of **Rs.3,00,000/- (Rupees Three Lakhs 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 copy of RC Book of the vehicle before the learned District Munsif cum Judicial Magistrate, Thirumayam. The petitioner is also directed to produce an affidavit submitting that the original RC Book is in the custody of the finance company and also**



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produced a letter from the finance company concerned acknowledging the custody of the original RC Book in their office.

- (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 and before the respondent police as and when required;

Sd/-

24/06/2025

(*)Amended as per order of this Court dated 04/08/2025 made in CRL RC(MD)No.732 of 2025

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2025

Sub Assistant Registrar(CS)

Mrn



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To
(*)To be substituted to the Order already despatched on 22.07.2025

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

Copy to:
The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC to M/s.K.C.MANIYARASU, Advocate (SR-36656[F] dated 24/06/2025)

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MGJ(21.07.2025) 6/ 7C

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

JJ/19.08.2025 6P/7 C

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