



Crl.R.C.(MD)No.728 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.728 of 2025

S.Prabhakaran

... Petitioner

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Allinagaram Police Station,
Theni.
(Crime No.64 of 2025)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records relating to the impugned order passed in Crl.M.P.No.1348 of 2025, dated 19.05.2025 on the file of the learned Judicial Magistrate, Theni and to set aside the same as illegal.

For Petitioner : Mr.T.Pradeep

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

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.1348 of 2025 in Crime No.64 of 2025 dated 19.05.2025 on



Crl.R.C.(MD)No.728 of 2025

WEB COPY

the file of the Judicial Magistrate, Theni dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN 60 AK 7693. The respondent police has registered a case in Crime No.64 of 2025 for the offences under Sections 303(2) of BNS and Sections 21(1) & 5 of MMDR Act on 25.03.2025 and seized the above said vehicle for the alleged transportation of rubble 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 Judicial Magistrate, Theni, for returning of the said vehicle in Crl.M.P.No.1348 of 2025 and the learned Judicial Magistrate, vide order dated 19.05.2025, 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.728 of 2025

WEB COPY

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 and the said vehicle was not involved in any other cases. He would further submit that the value of the vehicle is worth about Rs.17 lakhs.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 60 AK 7693 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 that therefore interim custody may be granted to the petitioner. He further submits that the vehicle is under hypothecation with the finance company and the original RC book is deposited with the said company.

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



Crl.R.C.(MD)/No.728 of 2025

WEB COPY

keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 19.05.2025 passed in Crl.M.P.No.1348 of 2025, by the learned Judicial Magistrate, Theni.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 19.05.2025 passed in Crl.M.P.No.1348 of 2025 by the learned Judicial Magistrate, Theni is hereby set aside and the vehicle/ Tipper Lorry bearing Registration No.TN 60 AK 7693, 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 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;



Crl.R.C.(MD)/No.728 of 2025

WEB COPY

- (b) the petitioner shall execute a bond for a sum of **Rs.8,50,000/-**
(Rupees Eight Lakhs and Fifty Thousand only), with two
sureties for a likesum to the satisfaction of the learned Judicial
Magistrate, Theni;
- (c) Since the vehicle is under hypothecation with the finance
company, the learned Judicial Magistrate, Theni is directed to
permit the petitioner to produce the self attested copy of the
Registration Certificate of the vehicle along with the letter from
the finance company that the said vehicle is under
hypothecation;
- (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;



WEB COPY



Crl.R.C.(MD)No.728 of 2025

(f) the petitioner shall produce the vehicle before the Court and
before the respondent police once in two weeks;

23.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gbg



WEB COPY



CrI.R.C.(MD)No.728 of 2025

L.VICTORIA GOWRI ,J.

gbg

To

- 1.The Judicial Magistrate,
Theni.
- 2.The Inspector of Police,
Allinagaram Police Station,
Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.R.C.(MD)No.728 of 2025

Dated: 23.06.2025