



Crl.R.C.(MD)No.751 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.751 of 2025

Shanmugakumar

... Petitioner

Vs.

1.The Sub Inspector of Police,
Thirumayam Police Station,
Pudukottai District.

2.IndusInd Bank Limited,
Pudukottai.

... Respondents

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for records pertaining to the impugned order , dated 06.06.2025 made in Crl.M.P.No.192 of 2025 in Crime No.61 of 2025 on the file of the Judicial Magistrate Court, Thirumayam and set aside the same and release the lorry bearing Registration No.TN.55-BF-5106.

For Petitioner : Mr.A.Shajahan

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



Crl.R.C.(MD)No.751 of 2025

WEB COPY

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.192 of 2025 in Crime No.61 of 2025 dated 06.06.2025 on the file of the District Munsif cum Judicial Magistrate, Thirumayam dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the Bharat Benz Tipper Lorry bearing Registration No.TN55-BF-5106. The respondent police has registered a case in Crime No.61 of 2025 for the offences under Sections 303(2) of BNS and 21(1), 21(2) of Mines & Minerals (Development & Regulation) Act, 1957 on 03.05.2025 and seized the above said vehicle for the alleged illegal transportation of minerals 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.192 of 2025 and the learned Judicial Magistrate, vide order dated 06.06.2025, has dismissed the petition.



Crl.R.C.(MD)No.751 of 2025

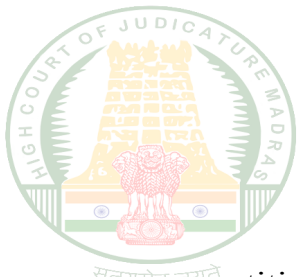
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Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the 1st respondent. Despite notice being issued and name printed in the cause-list, the 2nd respondent has not chosen to appear before this Court either through counsel or in person.

5. The learned Government Advocate (Criminal Side) appearing for the 1st respondent would submit that the petitioner is the owner of the vehicle and the accused in this case.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN55-BF-5106 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



Crl.R.C.(MD)No.751 of 2025

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 06.06.2025 passed in Crl.M.P.No.192 of 2025, by the learned District Munsif cum Judicial Magistrate, Thirumayam.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 06.06.2025 passed in Crl.M.P.No.192 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.TN55-BF-5106, 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



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Crl.R.C.(MD)/No.751 of 2025

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.8,50,000/- (Rupees Eight Lakhs 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, 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 and



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Crl.R.C.(MD)No.751 of 2025

before the respondent police on the first working day of every
English Calendar month until further orders;

08.07.2025

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

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



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Crl.R.C.(MD)No.751 of 2025

L.VICTORIA GOWRI ,J.

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Order made in
Crl.R.C.(MD)No.751 of 2025

Dated: 08.07.2025