



CRL RC(MD)No.749 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.749 of 2025

Kannan

... Petitioner / Petitioner

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No. 103/2025)

... Respondent / Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records relating to the order dated 06.06.2025 in Crl.M.P.No.1667 of 2025 in Crime No.103 of 2025 on the file of the learned Judicial Magistrate, Theni, set aside the same and consequently direct the learned Judicial Magistrate, Theni, to return the vehicle Tipper Lorry bearing TN-60-AH-4907 to the petitioner.

For Petitioner : Mr.M.Prabhu

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

ORDER

This Criminal Revision Petition is filed to call for the records

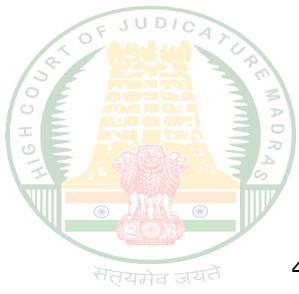


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relating to the order dated 06.06.2025 in CrI.M.P.No.1667 of 2025 in Crime No.103 of 2025 on the file of the learned Judicial Magistrate, Theni, set aside the same and consequently direct the learned Judicial Magistrate, Theni, to return the vehicle Tipper Lorry bearing TN-60-AH-4907 to the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner's vehicle, namely, Tipper Lorry bearing registration No.TN-60-AH-4907 was seized for the offences under Section 303(2) of BNS Act and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. For the past three months, the petitioner's vehicle was parked without moment in the sun light and rain and hence, the petitioner had preferred CrI.M.P.No.1667 of 2025, seeking interim custody of the Tipper Lorry. However, the said application was dismissed by the learned Judicial Magistrate, Theni, vide order dated 06.06.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 06.06.2025 made in CrI.M.P.No.1667 of 2025 on the file of the learned Judicial Magistrate, Theni, and to set aside the same.



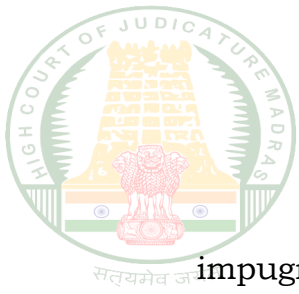
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4. Heard the learned counsels on either side and carefully perused the materials available on record.

5. The learned Government Advocate (Criminal side) appearing for the respondent Mr.S.S.Manoj, would fairly submit that the petitioner is the owner of the vehicle and he further categorically contended that this petition should not be allowed for the reason that the confiscation proceedings has already been initiated.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No. TN-60-AH-4907 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. 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



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impugned order dated 06.06.2025 passed in Crl.M.P.No.1667 of 2025
by the learned Judicial Magistrate, Theni District.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 06.06.2025 passed in Crl.M.P.No.1667 of 2025 by the learned Judicial Magistrate, Theni District, is hereby set aside and the vehicle viz., Tipper Lorry bearing Registration No.TN-60-AH-4907, 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;
- (b) the petitioner shall execute a bond for a sum of **Rs.8,00,000/- (Rupees Eight Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Theni District;
- (c) the petitioner shall deposit the original Registration Certificate



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of the vehicle before the learned Judicial Magistrate, Theni District;

- (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;

26.06.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

Sml

To

1.The Judicial Magistrate,
Theni.

2.The the Inspector of Police,
Allinagaram Police Station,
Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,

Madurai.



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L.VICTORIA GOWRI, J.,

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