



Crl.R.C.(MD)No.819 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.819 of 2025

Sivalingam

... Petitioner

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
(Crime No.55 of 2025)

... Respondent

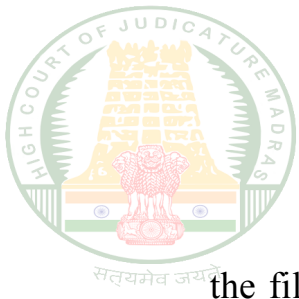
PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records relating to set aside the order passed in Cr.M.P.No.265 of 2025 in R.P.No.61 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Ponnmaravathy, Pudukkottai District, dated 24.06.2025 in connection with Crime No.55 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Sathyachidambaram

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.265 of 2025 in Crime No.55 of 2025 dated 24.06.2025 on



Crl.R.C.(MD)No.819 of 2025

WEB COPY

the file of the District Munsif cum Judicial Magistrate, Ponnmaravathy, Pudukottai District dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the JCB bearing Registration No.TN 72 BE 0805. The respondent police has registered a case in Crime No.55 of 2025 for the offences under Sections 62 of BNS r/w 21(1) of MMDR Act on 22.05.2025 and seized the above said vehicle for the alleged theft of sand and the same was produced before the concerned Court and the same came to be remanded in R.P.No.61 of 2025 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, Ponnmaravathy, Pudukottai District, for returning of the said vehicle in Crl.M.P.No.265 of 2025 and the learned Judicial Magistrate, vide order dated 24.06.2025, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



Crl.R.C.(MD)/No.819 of 2025

WEB COPY

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

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.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 72 BE 0805 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.

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



Crl.R.C.(MD)No.819 of 2025

WEB COPY

revision and thereby setting aside the impugned order dated 24.06.2025 passed in Crl.M.P.No.265 of 2025, by the learned District Munsif cum Judicial Magistrate, Ponnmaravathy, Pudukottai District.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 24.06.2025 passed in Crl.M.P.No.265 of 2025 by the learned District Munsif cum Judicial Magistrate, Ponnmaravathy, Pudukottai District, is hereby set aside and the vehicle/JCB bearing Registration No. TN 72 BE 0805, 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.1,00,000/-** (**Rupees One Lakh only**) as non-refundable deposit for the said vehicle to the credit of the MANOLAYA, Bank Name: INDIAN OVERSEAS BANK, A/c No:025302000000284, A/c Name: MANOLAYA, Branch: Kottaram, IFSC code: IOBA0000253;
- (b) the petitioner shall execute a bond for a sum of **Rs.17,50,000/-** (**Rupees Seventeen Lakhs and Fifty Thousand only**), with



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Crl.R.C.(MD)/No.819 of 2025

two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Ponnmaravathy, Pudukottai District;

- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned District Munsif cum Judicial Magistrate, Ponnmaravathy, Pudukottai 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 on first working day of every month until further orders;

09.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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CrI.R.C.(MD)No.819 of 2025

L.VICTORIA GOWRI ,J.

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To

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

Order made in
CrI.R.C.(MD)No.819 of 2025

Dated: 09.07.2025