

CRL RC(MD)No.898 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 22.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.898 of 2025

Akhil Vikraman

... Petitioner / Petitioner

Vs.

State of Tamil Nadu,
The Sub Inspector of Police,
Bodinayakkanur Rural Police Station,
Theni District.
(In crime No.10/2025)

... Respondent / Complainant

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to set aside the order passed by the learned Judicial Magistrate, Bodinayakkanur, in Crl.M.P.No.228 of 2025, dated 27.03.2025 and grant interim custody of the vehicles, bearing registration Nos.KL-63-H-1670 and KL-63-H-2442 in R.P.R.No.23 of 2025 in favour of the petitioner.

For Petitioner : Mr.K.P.Madhu

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



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ORDER

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Challenging the order passed by the learned Judicial Magistrate, Bodinayakkanur, in Crl.M.P.No.228 of 2025, dated 27.03.2025, seeking interim custody of the vehicles, bearing registration Nos.KL-63-H-1670 and KL-63-H-2442, this Criminal Revision case is filed.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicles, viz., Tipper Lorries bearing Reg. Nos.KL-63-H-1670 and KL-63-H-2442. On 08.01.2025, when the 1st and 2nd accused were carrying gravels in the said tipper lorries, the Geology official had intercepted the said vehicles for checking and asked them to show the permit. In connection to the same, the respondent police registered the crime and seized the aforesaid vehicles. Since the vehicles are under the custody of the respondent police, the petitioner filed an application in Crl.M.P.No.228 of 2025 for return of the vehicles before the learned Judicial Magistrate, Bodinayakkanur. However, the said application was dismissed, vide order dated 27.03.2025.

3. The petitioner preferred the Criminal Revision Petition as against the order dated 27.03.2025 made in Crl.M.P.No.228 of 2025 on the file of the learned Judicial Magistrate, Bodinayakkanur, and to set aside the same.



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

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5. The learned Government Advocate (Crl. side) appearing for the respondent would submit that the petitioner is the owner of the vehicles and the said vehicles were not involved in any other cases.

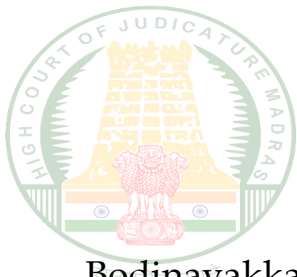
6. The learned counsel appearing for the petitioner would submit that the vehicles bearing Reg. Nos.KL-63-H-1670 and KL-63-H-2442 are owned by the petitioner and he was not involved in any such offence as alleged by the respondent and if the vehicles are kept in open place, the vehicles will get deteriorated and the value of the vehicles would automatically stand diminished and 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 vehicles are kept in open place exposing to sun and rain, the value of the vehicles will be deteriorated and no purpose will be served in keeping the vehicles in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 27.03.2025 passed in Crl.M.P.No.228 of 2025 by the learned Judicial Magistrate, Bodinayakkanur.

8. Accordingly, this Criminal Revision Case is allowed and the order dated

27.03.2025 passed in Crl.M.P.No.228 of 2025 by the Judicial Magistrate,

<https://www.mhc.tn.gov.in/judis>



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Bodinayakkanur, is hereby set aside and the vehicles viz., Tipper Lorries bearing Reg. Nos.KL-63-H-1670 and KL-63-H-2442, are 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.1,50,000/- (Rupees One Lakh and Fifty thousand only)** as non-refundable deposit for the said vehicle to the credit of the Manolaya, Indian Overseas Bank, Kottaram Branch, Account No.025302000000284, IFSC Code: IOBA0000253;
- (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, Bodinayakkanur;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicles before the learned Judicial Magistrate, Bodinayakkanur;
- (d) The petitioner shall give an undertaking before the respondent/ authority concerned stating that he will not use the vehicles 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 vehicles;



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(f) the petitioner shall produce the vehicles before the Court at 10.30 A.M., on
Monday in every two weeks until further orders.

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Sd/-

Assistant Registrar(CO)

(*) Amended as per order of this Court dated 25/07/2025 made in CRL.RC(MD)No.898 of 2025.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2025

Sub Assistant Registrar
(CS-I / II / III / IV)

Sml

To

(*)To be substituted to the order already despatched on 23/07/2025

- 1.The Judicial Magistrate,
Bodinayakkanur.
- 2.The Sub Inspector of Police,
Bodinayakkanur Rural Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Section Officer,



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Criminal Records,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

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22.07.2025

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RA - (23.07.2025) 6P/ 6 C

RA - (31.07.2025) 6P/ 6C

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