



Crl.R.C.(MD)No.830 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.830 of 2025

R.Chinnathambi

... Petitioner

Vs.

1.State of Tamil Nadu rep. by
The Inspector of Police,
Somarasampettai Police Station,
Trichy District.
(Crime No.174 of 2025)

2.Selvam

... Respondents

*(R2 is impleaded as per order of this Court, dated 23.07.2025 in
Crl.M.P(MD)No.9338 of 2025)*

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 Crl.M.P.No.(Online CMP).12964 of 2025 on the file of the Learned Judicial Magistrate No.5, Trichy, Trichy District dated 30.06.2025 in Crime no.174 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Sathiyachidambaram

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



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For R2

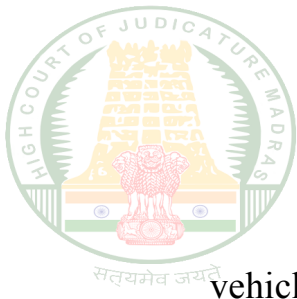
: Mr.V.Lakshmanaraja

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.(Online CMP).12964 of 2025 in Crime No.174 of 2025 dated 30.06.2025 on the file of the Judicial Magistrate No.5, Trichy, Trichy District, dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the Mahindra Bolero Maxi Pickup bearing Registration No.TN 48 R 6518. The respondent police has registered a case in Crime No.174 of 2025 for the offences under Sections 303(2) of BNS and 21(4) of Mines and Minerals (Development & Regulation) Act on 12.05.2025 and seized the above said vehicle for the alleged illegal transportation of river sand 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. The 2nd respondent is the original owner of the vehicle involved who had sold the said vehicle to the petitioner herein. However, the



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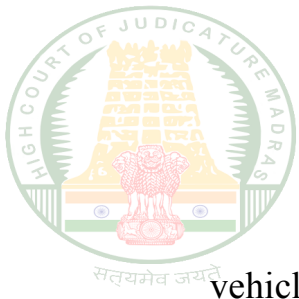
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vehicle's ownership transfer and registration are still pending. Pending such exercise, the vehicle was seized in a criminal case in Crime No.174 of 2025. However, the learned counsel for the 2nd respondent appeared and expressed no objection to give the interim custody of the property to the petitioner herein.

4. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.5, Trichy, for returning of the said vehicle in Crl.M.P.No.(Online CMP).12964 of 2025 and the learned Judicial Magistrate, vide order dated 30.06.2025, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

5. Heard the learned counsel appearing for the petitioner, learned Government Advocate (Crl. Side) appearing for the 1st respondent and the learned counsel appearing for the 2nd respondent.

6. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the owner of the



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vehicle and the accused in this case.

7. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 48 R 6518 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.

8. 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 30.06.2025 passed in Crl.M.P.No.(Online CMP).12964 of 2025, by the learned Judicial Magistrate No.5, Trichy District.



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9. Accordingly, this Criminal Revision Case is allowed and the order dated 30.06.2025 passed in Crl.M.P.No.(Online CMP).12964 of 2025 by the learned Judicial Magistrate No.5, Trichy District, is hereby set aside and the vehicle/ Mahindra Bolero Maxi Pickup bearing Registration No.TN 48 R 6518, 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 Twenty Five Thousand only)** as non-refundable deposit for the said vehicle to the credit of the Adyar Cancer Institute (Union Bank, Name: Cancer Institute (WIA), Account No: 149710011005477, IFSC Code: UBIN0814971), Chennai;
- (b) the petitioner shall execute a bond for a sum of **Rs.3,00,000/- (Rupees Three Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.5, Trichy District;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.5, Trichy District;



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- (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 on first working day of every English Calendar month until further orders.

22.08.2025

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

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To

- 1.The Judicial Magistrate No.5,
Trichy District.
- 2.The The Inspector of Police,
Somarasampettai Police Station,
Trichy District.



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3. Cancer Institute (WIA) (Adayar Cancer Institute),
Dr. S. Krishnamurthi campus – 38 Sardar Patel Road,
Adjacent to I.I.T. Madras,
Chennai – 600 036.

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



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L.VICTORIA GOWRI ,J.

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Order made in
Crl.R.C.(MD)No.830 of 2025

Dated: 22.08.2025