



Crl.R.C.(MD)No.836 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.836 of 2025

Vinothkumar

... Petitioner

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Jayamangalam Police Station,
Theni District.
(Crime No.111 of 2025)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records pertaining to the order passed in Cr.M.P No.1262 of 2025 in Crime No.111/2025 dated 24.06.2025 on the file of the Learned Judicial Magistrate, Periyakulam, Theni District and set aside the same by allowing the Criminal Revision Petition.

For Petitioner : Mr.S.Vikram

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



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ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.1262 of 2025 in Crime No.111 of 2025 dated 24.06.2025 on the file of the Judicial Magistrate, Periyakulam, Theni District dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the Tractor bearing Registration No.TN 60 AK 5798. The respondent police has registered a case in Crime No.111 of 2025 for the offences under Sections 303(2) of BNS and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle for the alleged illegal transportation of M-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. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Periyakulam, Theni District for returning of the said vehicle in Crl.M.P.No.1262 of 2025 and the learned Judicial Magistrate, vide order dated 24.06.2025, has dismissed the petition. Aggrieved by



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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 respondent.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the owner of the vehicle and he is not the accused in this case.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 60 AK 5798 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.



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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 24.06.2025 passed in Crl.M.P.No.1262 of 2025, by the learned Judicial Magistrate, Periyakulam, Theni District.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 24.06.2025 passed in Crl.M.P.No.1262 of 2025 by the learned Judicial Magistrate, Periyakulam, Theni District is hereby set aside and the vehicle/Tractor bearing Registration No. TN 60 AK 5798, 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



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Name: MANOLAYA, Branch: Kottaram, IFSC code:
IOBA0000253;

- (b) the petitioner shall execute a bond for a sum of **Rs.1,30,000/- (Rupees One Lakh and Thirty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Periyakulam, Theni District;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Periyakulam, 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;

11.07.2025



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NCC : Yes / No
Index : Yes / No
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To

- 1.The Judicial Magistrate No,
Periyakulam, Theni District.
- 2.The Inspector of Police,
Jayamangalam 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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Order made in
Crl.R.C.(MD)No.836 of 2025

Dated: 11.07.2025