

CrI.R.C.(MD)No.873 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.R.C.(MD)No.873 of 2025

Venkatesan

... Petitioner

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Gandharvakottai Police Station,
Pudukkottai District.
(Crime No.122 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 in Cr.M.P.No.246 of 2025 dated 04.07.2025 passed by the District Munsif cum Judicial Magistrate Court, Gandharvakottai and set aside the same by allowing the criminal revision petition.

For Petitioner : Mr.K.Sankar

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

ORDER

The Criminal Revision is directed against the order passed in CrI.M.P.No.246 of 2025 in Crime No.122 of 2025 dated 04.07.2025 on the file of the District Munsif



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cum Judicial Magistrate Court, Gandharvakottai, dismissing the petition filed under
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Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the Bharat Benz Tipper Lorry bearing Registration No.TN 49 CF 4209. The respondent police has registered a case in Crime No.122 of 2025 for the offences under Sections 303(2) of BNSS, 21(1) and 21(2) of Mines and Minerals (Development & Regulation) Act and seized the above said vehicle for the alleged illegal transportation of sand and the same was produced before the concerned Court and the same came to be remanded in R.P.No. 15 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 Court, Gandharvakottai, for returning of the said vehicle in Crl.M.P.No.246 of 2025 and the learned Judicial Magistrate, vide order dated 04.07.2025, has dismissed the petition. Aggrieved by 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



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respondent would submit that the petitioner is the owner of the vehicle and he is one of the accused persons in this case.

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6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 49 CF 4209 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 revision and thereby setting aside the impugned order dated 04.07.2025 passed in Crl.M.P.No.246 of 2025, by the learned District Munsif cum Judicial Magistrate, Gandharvakottai.

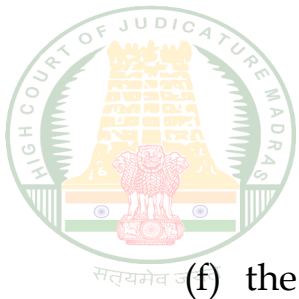
8. Accordingly, this Criminal Revision Case is allowed and the order dated 04.07.2025 passed in Crl.M.P.No.246 of 2025 by the learned District Munsif cum



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Judicial Magistrate, Gandharvakottai, is hereby set aside and the vehicle/ Bharat Benz Tipper Lorry bearing Registration No.TN 49 CF 4209 , 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 Aishwaryam Trust, Indian Bank, Tirunagar Branch, Madurai, Account No.6639017788, IFSC Code: IDIB000T032;
- (b) the petitioner shall execute a bond for a sum of **(*)Rs.5,00,000/- (Rupees Five Lakhs Only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Gandharvakottai;
- (c) the petitioner shall deposit the original Invoice of the vehicle before the learned District Munsif cum Judicial Magistrate, Gandharvakottai;
- (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;



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(f) the petitioner shall produce the vehicle before the Court on first working day of every English Calendar month until further orders.

Sd/-

17.07.2025

(*)Amended as per order of this Court dated 24/07/2025

Sd/-

Assistant Registrar (CS II)

// True Copy //

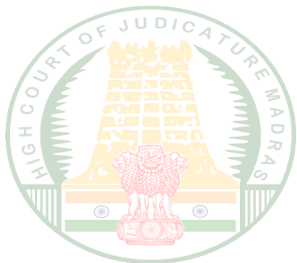
/08/2025

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

gbg

To:-

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



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COPY TO:

1.1.Aishwaryam Trust,
3/539 B, Adhishivan Nagar,
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Madurai-625006.

2.THE SECTION OFFICER,
CRIMINAL RECORDS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI. (2 Copies)

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Dated: 17.07.2025

JJ/06.08.2025 6P/ 7C

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