

CRL RC(MD)No.878 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 18.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.878 of 2025

Muthukrishanan

... Petitioner

Vs.

The State of Tamil Nadu rep. by,
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
(Crime No.349 of 2025)

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records pertaining to the order dated 09.07.2025, made in Crl.M.P.No.2778 of 2025 on the file of the learned Judicial Magistrate Court No.III, Tirunelveli and set aside the order and direct the respondent herein to grant the interim custody of the vehicle viz., earth mover machine CAT bearing registration No.TN-72-BK-1339, which has been seized by the respondent herein in Crime No. 349 of 2025.

For Petitioner : Mr.S.Subramanian

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal side)



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ORDER

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This Criminal Revision Petition is filed to call for the records relating to the order of the learned Judicial Magistrate No.III, Tirunelveli District, in CrI.M.P.No. 2778 of 2025 dated 09.07.2025 and set aside the same and entrust the custody of the vehicle to the petitioner.

2. The case of the prosecution is that the respondent filed a FIR in Crime No. 349 of 2025, under Section 303(2) of BNS, 2023, for illegal transport of sand through earth mover machine vehicle bearing registration No.TN-72-BK-1339. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed CrI.M.P.No.2778 of 2025 for the return of vehicle before the learned Judicial Magistrate No.III, Tirunelveli District, and the same was dismissed on 09.07.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 09.07.2025 made in CrI.M.P.No.2778 of 2025 on the file of the learned Judicial Magistrate No.III, Tirunelveli District, and to set aside the same.

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

5. The learned Government Advocate (Criminal side) appearing for the respondent Mr.S.S.Manoj, submitted that if the vehicle is returned to the petitioner,



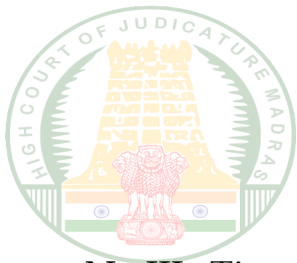
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there is possibility for the vehicle being used for the commission of similar offence
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and there are two previous cases as against the petitioner and objected to grant
interim custody of the vehicle to the petitioner.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-72-BK-1339 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 therefore interim custody may be granted to the petitioner.

7. Considering 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 09.07.2025 passed in CrI.M.P.No. 2778 of 2025 by the learned Judicial Magistrate No.III, Tirunelveli District.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 09.07.2025, passed in CrI.M.P.No.2778 of 2025 by the learned Judicial Magistrate



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No.III, Tirunelveli District, is hereby set aside and the vehicle viz., earth mover machine CAT bearing Registration No.TN-72-BK-1339, 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 Aishwaryam Trust (Indian Bank, Account No: 6639017788, IFSC Code: IDIB000T032), Madurai District ;
- (b) the petitioner shall execute a bond for a sum of **Rs.4,00,000/- (Rupees Four Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli District ;
- (c) * “ Since the original RC book has been deposited in Crime No.162 of 2023 on the file of the Thalaiyuthu Police Station which is now pending trial in Spl.S.C.No.110 of 2024 on the file of the Principal District Court, Tirunelveli, the petitioner shall deposit the xerox copy of the RC book of the vehicle before the learned Judicial Magistrate No.III, Tirunelveli 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



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- 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;

Sd/-

Assistant Registrar(CO)

(*)Corrected as per order of this Court dated 01/08/2024 made in CRL RC(MD)No.878 of 2025 Para (c) substituted.

Sd/-

18.07.2025

// True Copy //

/ / 2025

Sub-Assistant Registrar
(C.S - I / II/ III / IV)

Mrn

To

- 1.The Judicial Magistrate No.III, Tirunelveli District.
- 2.The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,

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



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Madurai.
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Copy to

The Aishwaryam Trust, Madurai District.

+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-44320[F] dated 18/07/2025)

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18.07.2025

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CT (22/08/2025) 6P/6C

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