

Crl.R.C.(MD)No.891 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.891 of 2025

Rajangam

... Petitioner

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Rajathani Police Station,
Theni District.
(Crime No.185 of 2024)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records relating to the order dated 24.04.2025 in Crl.M.P.No.661 of 2025 in Crime No.185 of 2024 on the file of the Learned Judicial Magistrate, Aundipatti, set aside the same and consequentially direct the Learned Judicial Magistrate, Theni to return the vehicle Mahindra Tractor bearing TN 48 K 6980 to the petitioner herein.

For Petitioner : Mr.M.Prabu

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



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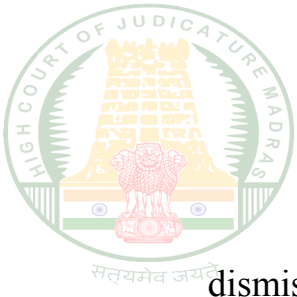
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ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.661 of 2025 in Crime No.185 of 2024 dated 24.04.2025 on the file of the Judicial Magistrate, Aundipatti, dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the Tractor along with Trailer bearing Registration No.TN 48 K 6980. The respondent police has registered a case in Crime No.185 of 2024 for the offence under Section 303(2) of BNS and 21(1) of MMDR Act on 13.08.2024 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 RPR.No.162 of 2024 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, Aundipatti for returning of the said vehicle in Crl.M.P.No.661 of 2025 and the learned Judicial Magistrate, vide order dated 24.04.2025, has dismissed the petition. Aggrieved by the order of



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dismissal, the petitioner has now come forward with the present revision.

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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 the accused in this case.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 48 K 6980 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



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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 24.04.2025 passed in Crl.M.P.No.661 of 2025, by the learned Judicial Magistrate, Aundipatti.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 24.04.2025 passed in Crl.M.P.No.661 of 2025 by the learned Judicial Magistrate, Aundipatti, is hereby set aside and the vehicle/ Tractor along with Trailer bearing Registration No.TN 48 K 6980, 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, Tirunagar Branch, Madurai, Account No.6639017788, IFSC Code: IDIB000T032;
- (b) the petitioner shall execute a bond for a sum of **Rs.1,50,000/-**



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(Rupees One Lakh and Fifty Thousand only), with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Aundipatti;

- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Aundipatti;
- (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;

21.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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L.VICTORIA GOWRI ,J.

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To

- 1.The Judicial Magistrate,
Aundipatti.
- 2.The Inspector of Police,
Rajathani Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.R.C.(MD)No.891 of 2025

Dated: 21.07.2025