

CRL RC(MD)No.954 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.954 of 2025

Mathavan

... Petitioner/ Petitioner /
Owner of the Vehicle

Vs.

1.The State of Tamil Nadu,
Rep. by its, the Sub Inspector
of Police,
Thirumayam Police Station,
Pudukkottai District.

... 1st respondent / 1st respondent /
Complainant

2.The Branch Manager,
Sundaram Finance Limited,
Pudukkottai District.

... 2nd Respondent / 2nd Respondent /
Defacto Complainant

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records relating to the order of the learned District Munsif cum Judicial Magistrate, Thirumayam, in CrI.M.P.No.232 of 2025 dated 17.07.2025 filed by the petitioner under Section 497 of BNSS and set aside the same as illegal and entrust the custody of the vehicle to the petitioner and allow the above Criminal Revision Petition.

For Petitioner : Mr.K.C.Maniyarasu

For R-1 : Mr.S.S.Manoj,
Government Advocate
(Criminal side)

For R-2 : Mr.C.Prithiviraj



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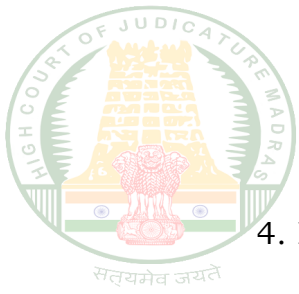
ORDER

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This Criminal Revision Petition is filed to call for the records relating to the order of the learned District Munsif cum Judicial Magistrate, Thirumayam, in CrI.M.P.No.232 of 2025 dated 17.07.2025 filed by the petitioner under Section 497 of BNSS and set aside the same as illegal and entrust the custody of the vehicle to the petitioner and allow the above Criminal Revision Petition.

2. The case of the prosecution is that the 1st respondent filed a FIR in Crime No.95 of 2025 for an alleged offence under Section 303(2) of BNS Act, 2023, r/w Section 21(1) and 21(2) of Mines and Minerals (Development and Regulation) Act, 1957, for illegal transport of sand through Taurus Lorry bearing registration No.TN 55 CA 4717. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed CrI.M.P.No.232 of 2025 for the return of vehicle before the learned District Munsif cum Judicial Magistrate, Thirumayam, and the same was dismissed on 17.07.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 17.07.2025 made in CrI.M.P.No.232 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Thirumayam, and to set aside the same.



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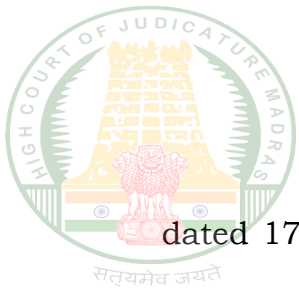
4. Heard the learned counsels on either side and carefully perused the materials available on record.

5. The learned Government Advocate (Criminal side) appearing for the 1st respondent Mr.S.S.Manoj, submitted that if the vehicle is returned to the petitioner, there is possibility for the vehicle being used for the commission of similar offence and there are six 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 2nd respondent submitted that he has no objection for release of vehicle.

7. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 55 CA 4717 is owned by the petitioner and he was not involved in any such offence as alleged by the 1st 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.

8. 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



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dated 17.07.2025 passed in Crl.M.P.No.232 of 2025 by the learned District Munsif cum Judicial Magistrate, Thirumayam.

9. Accordingly, this Criminal Revision Case is allowed and the order dated 17.07.2025, passed in Crl.M.P.No.232 of 2025 by the learned District Munsif cum Judicial Magistrate, Thirumayam, is hereby set aside and the vehicle viz., Taurus Lorry bearing Registration No.TN 55 CA 4717, 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.1,50,000/- (Rupees One Lakh and Fifty 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. 8,00,000/- (Rupees Eight Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thirumayam;
- (c) The petitioner shall deposit the copy of RC Book of the vehicle before the learned District Munsif cum Judicial Magistrate, Thirumayam. The petitioner is also directed to



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produce an affidavit submitting that the original RC Book is in the custody of the 2nd respondent finance company and also produced a letter from the finance company concerned acknowledging the custody of the original RC Book in their office;

- (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 learned Trial Court once in a month i.e, on 1st Monday of every english calendar month;

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



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- 1.The District Munsif cum Judicial
Magistrate, Thirumayam.
- 2.The Sub Inspector
of Police,
Thirumayam Police Station,
Pudukkottai District
- 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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