

CRL RC(MD)No.1046 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.1046 of 2025

Balamurugan

... Petitioner/ 2nd Accused

Vs.

The State of Tamil Nadu,
Represented by its, the Inspector of Police,
Kulithalai Police Station,
Tiruchirapalli District.
(Crime No.336 of 2025)

... Respondent / Complainant

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records relating to the learned Judicial Magistrate No.II, Kulithalai, in Crl.M.P.No.469 of 2025 dated 22.07.2025 to set aside the order passed in Crl.M.P.No.469 of 2025 and consequently directing the respondent police to release the vehicle bearing registration No.TN 28 AD 3251 along with.

For Petitioner : Mr.S.K.Mani

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



CRL RC(MD)No.1046 of 2025

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ORDER

This Criminal Revision Petition is filed to call for the records relating to the order of the learned Judicial Magistrate No.II, Kulithalai made in Crl.M.P.No.469 of 2025 dated 22.07.2025 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.336 of 2025 for an alleged offence under Section 303(2) of BNS Act, 2023, r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, for illegal transport of sand through Ashok Layland Lorry bearing registration No.TN 28 AD 3251. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed Crl.M.P.No.469 of 2025 for the return of vehicle before the learned Judicial Magistrate No.II, Kulithalai, and the same was dismissed on 22.07.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 22.07.2025 made in Crl.M.P.No.469 of 2025 on the file of the learned Judicial Magistrate No.II, Kulithalai, and to set aside the same.

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



CRL RC(MD)No.1046 of 2025

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5. Learned counsel for the petitioner submitted that he is giving up his claim for seeking return of sand and he restricts his prayer only for return of the Ashok Layland Lorry bearing registration No.TN 28 AD 3251.

6. 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 objected to grant interim custody of the vehicle to the petitioner.

7. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 28 AD 3251, 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.

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

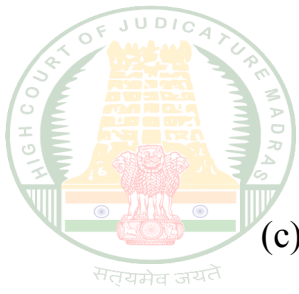


CRL RC(MD)No.1046 of 2025

be served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 22.07.2025 passed in Crl.M.P.No.469 of 2025 by the learned Judicial Magistrate No.II, Kulithalai.

9. Accordingly, this Criminal Revision Case is allowed and the order dated 22.07.2025, passed in Crl.M.P.No.469 of 2025 by the learned Judicial Magistrate No.II, Kulithalai, is hereby set aside and the vehicle viz., Ashok Layland Lorry bearing registration No.TN 28 AD 3251, 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.75,000/- (Rupees Seventy Five 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.3,00,000/- (Rupees Three Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.II, Kulithalai;



CRL RC(MD)No.1046 of 2025

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(c) The petitioner shall deposit the copy of RC Book of the vehicle before the learned Judicial Magistrate No.II, Kulithalai.

(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;

18.08.2025

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

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CRL RC(MD)No.1046 of 2025

L.VICTORIA GOWRI, J.,

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To

- 1.The Judicial Magistrate No.II, Kulithalai.
- 2.The Inspector of Police,
Kulithalai Police Station,
Tiruchirapalli District.
(Crime No.336 of 2025)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL RC(MD)No.1046 of 2025

18.08.2025