



CRL RC(MD)No.1077 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.1077 of 2025

Sandhiyagu

... Petitioner

Vs.

State of Tamil Nadu Rep.
By the Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.
In Crime No.117 of 2018

... Respondent

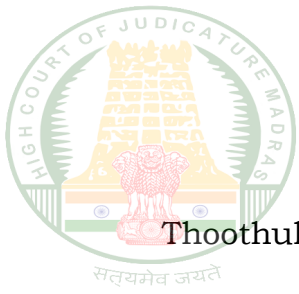
PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records pertaining to the order regarding rejection of interim custody of the goods carrier bearing registration No.TN-69-J-8741 in CrI.M.P.No.1074 of 2025 in Crime No.117 of 2018 dated 30.07.2025 passed by the learned Judicial Magistrate No.II, Srivaikundam, Thoothukudi District and set aside the same as illegal.

For Petitioner : Mr.M.Maran

For Respondent : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

ORDER

This Criminal Revision Petition is filed to call for the records relating to the order of the learned Judicial Magistrate No.II, Srivaikundam,



CRL RC(MD)No.1077 of 2025

Thoothukudi District, in Crl.M.P.No.1074 of 2025 dated 30.07.2025 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.117 of 2018, under Section 379 of IPC, for illegal transport of sand through goods carrier vehicle bearing registration No.TN-69-J-8741. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed Crl.M.P.No.1074 of 2025 for the return of vehicle before the learned Judicial Magistrate No.II, Srivaikundam, Thoothukudi District and the same was dismissed on 30.07.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 30.07.2025 made in Crl.M.P.No.1074 of 2025 on the file of the learned Judicial Magistrate No.II, Srivaikundam, Thoothukudi 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

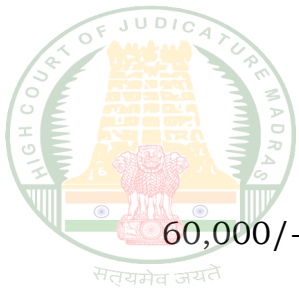


CRL RC(MD)No.1077 of 2025

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.

6. The learned counsel appearing for the petitioner would submit that this Court by order dated 14.08.2025, directed the petitioner to take a demand draft for an amount of Rs.60,000/- (Rupees Sixty Thousand only) in favour of the Officer-in-Charge, High Court Legal Services Committee, Madurai, in S.B.A/c.NO.496037387 and IFSC: IDIB000H040 in Indian Bank, High Court Branch, Madurai, on or before 20.08.2025 and the same will be a non-refundable payment. The Registrar (Judicial) is directed to ensure that the said sum is withdrawn immediately and spent for the welfare of the Advocates' Clerks Associated with the Madurai Bench of Madras High Court, Madurai. He further submitted that the petitioner has complied with the aforesaid order 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, the 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 and also considering the fact that the petitioner has already deposited a sum of Rs.



CRL RC(MD)No.1077 of 2025

60,000/- as non refundable payment, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 30.07.2025 passed in Crl.M.P.No.1074 of 2025 by the learned Judicial Magistrate No.II, Srivaikundam, Thoothukudi District.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 30.07.2025, passed in Crl.M.P.No.1074 of 2025 by the learned Judicial Magistrate No.II, Srivaikundam, Thoothukudi District, is hereby set aside and the vehicle viz., goods carrier bearing Registration No.TN-69-J-8741, 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 shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.II, Srivaikundam, Thoothukudi District ;
- (b) 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 ;
- (c) the petitioner shall not alienate and shall not make any alteration in the vehicle ;
- (d) the petitioner shall produce the vehicle before the learned



CRL RC(MD)No.1077 of 2025

Trial Court weekly once i.e, on Monday of english calendar
month ;

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25.08.2025

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

To

- 1.The Judicial Magistrate No.II, Srivaikundam, Thoothukudi.
- 2.The Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL RC(MD)No.1077 of 2025

L.VICTORIA GOWRI, J.,

Mrn

CRL RC(MD)No.1077 of 2025

25.08.2025