

CRL RC(MD)No.1083 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 18.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.1083 of 2025

Muthukrishnan

... Petitioner/ Petitioner /
Owner of the Vehicle

Vs.

The State of Tamil Nadu,
Rep. by the Inspector
of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No..384 of 2025)

... Respondent / 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 05.08.2025 made in Crl.M.P.No.3010 of 2025 on the file of the learned Judicial Magistrate Court-III, Tirunelveli, and set aside the order and direct the respondent herein to grant the interim custody of the vehicle viz., Earth mover machine JCB bearing registration No.TN 72 AA 6570, which has been seized by the respondent herein in Crime No. 384 of 2025.

For Petitioner : Mr.V.M.Jegadeesha Pandian

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



CRL RC(MD)No.1083 of 2025

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ORDER

This Criminal Revision Petition is filed to call for the records pertaining to the order dated 05.08.2025 made in CrI.M.P.No.3010 of 2025 on the file of the learned Judicial Magistrate Court-III, Tirunelveli, and set aside the order and direct the respondent herein to grant the interim custody of the vehicle viz., Earth mover machine JCB bearing registration No.TN 72 AA 6570, which has been seized by the respondent herein in Crime No.384 of 2025.

2. The case of the prosecution is that the petitioner is the owner of JCB bearing Registration No. TN 72 AA 6570. The respondent police seized the petitioner's vehicle with respect to the crime in Cr.No.384 of 2025 for the offences under Sections 303(2) BNS r/w. Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, for illegally excavating the Kuruvai sand from the Government Poramboke land. Hence, the petitioner filed CrI.M.P.No.232 of 2025 for return of vehicle before the learned Judicial Magistrate Court-III, Tirunelveli, seeking to interim custody of the vehicle and the same was dismissed on 05.08.2025.



CRL RC(MD)No.1083 of 2025

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3. The petitioner preferred this Criminal Revision Petition as against the order dated 05.08.2025 made in Crl.M.P.No.3010 of 2025 on the file of the learned Judicial Magistrate Court-III, Tirunelveli, 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, there is possibility for the vehicle being used for the commission of similar offence and there are four previous cases as against the petitioner, as a result of which, his original RC book is already in the custody of the learned Judicial Magistrate-III, Tirunelveli, 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 AA 6570 is owned by the petitioner and he was not involved in any such offence as alleged by the respondent police 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



CRL RC(MD)No.1083 of 2025

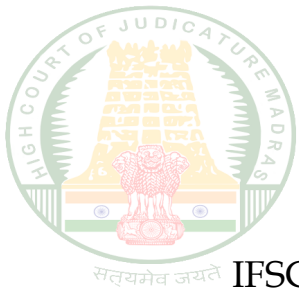
be granted to the petitioner.

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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 05.08.2025 passed in Crl.M.P.No. 3010 of 2025 by the learned Judicial Magistrate-III, Tirunelveli.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 05.08.2025, passed in Crl.M.P.No.3019 of 2025 by the learned Judicial Magistrate-III, Tirunelveli, is hereby set aside and the vehicle viz., Earth mover machine JCB bearing registration No.TN 72 AA 6570, 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 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;

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(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 Judicial Magistrate-III, Tirunelveli;

(c) * "The petitioner shall deposit a copy of the RC Book of the vehicle before the learned Judicial Magistrate No.III, Tirunelveli, because the original RC Book got misplaced. The petitioner is directed to apply for duplicate RC Book and on receipt of the same, produce the same before the learned Judicial Magistrate No.III, Tirunelveli within a period of one month from the date of receipt of a copy of this order. The petitioner is also directed to file an affidavit, undertaking to produce the duplicate RC Book within one month before the learned Judicial Magistrate No.III, Tirunelveli."

(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;



CRL RC(MD)No.1083 of 2025

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Sd/-

Assistant Registrar

(*)Corrected as per order of this Court dated 04/09/2025 made in CRL RC(MD)No.1083 of 2025

Sd/-

Assistant Registrar

// True Copy //

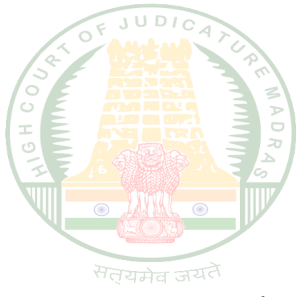
/ / 2025

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

Sml

To

- 1.The Judicial Magistrate Court-III,
Tirunelveli.
- 2.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli 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.



CRL RC(MD)No.1083 of 2025

+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-52052[F] dated 19/08/2025)

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CRL RC(MD)No.1083 of 2025

18.08.2025

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CT (09/09/2025) 7P/6C

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