



Crl.R.C.(MD)No.1144 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.1144 of 2025

Muthuvel

... Petitioner

Vs.

1.State of Tamil Nadu rep. by
The Sub Inspector of Police,
Thirumayam Police Station,
Pudukottai District.
(Crime No.22 of 2025)

2.Branch Manager,
Indostar Capital Finance Limited,
RR Complex, 1st Floor,
T.S.No.2161/3,
South Main Street, Pudukottai District.

... Respondents

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the entire records pertaining to the order passed by the learned District Munsif Cum Judicial Magistrate, Thirumayam in Crl. M.P.No.156/2025 vide order dated 14.07.2025 and quash the same and consequently, direct the above said learned District Munsif Cum Judicial Magistrate, Thirumayam to return the petitioner's BHARAT BENZ bearing its registration number TN 63 CZ 0277 kept in the custody of the above said Court in connection with the case in Crime No.22 of 2025 on



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the file of the respondent police.

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For Petitioner : Mr.P.Samuel Gunasingh

For R1 : Mr.S.S.Manoj
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Crl. M.P.No.156 of 2025 in Crime No.22 of 2025 dated 14.07.2025 on the file of the District Munsif Cum Judicial Magistrate, Thirumayam dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the Bharat Benz Tipper Lorry bearing Registration No.TN 63 CZ 0277. The respondent police has registered a case in Crime No.22 of 2025 for the offences under Sections 303(2) of BNS and 21(1), 21(2) of Mines and Minerals (Development & Regulation) Act on 12.02.2025 and seized the above said vehicle for the alleged illegal transportation of gravel sand and the same was produced before the concerned Court and the same came to be remanded and the same is under the custody of the respondent police.



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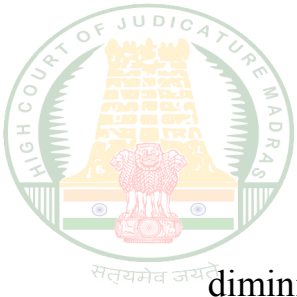
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3. It is not in dispute that the petitioner has approached the learned District Munsif Cum Judicial Magistrate, Thirumayam, for returning of the said vehicle in Crl.M.P.No.156 of 2025 and the learned District Munsif Cum Judicial Magistrate, Thirumayam, vide order dated 14.07.2025, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

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 he is not an accused in this case.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 63 CZ 0277 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



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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 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 14.07.2025 passed in Crl.M.P.No.156 of 2025, by the learned District Munsif Cum Judicial Magistrate, Thirumayam.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 14.07.2025 passed in Crl.M.P.No.156 of 2025 by the learned District Munsif Cum Judicial Magistrate, Thirumayam, is hereby set aside and the vehicle/ Bharat Benz Tipper Lorry bearing Registration No. TN 63 CZ 0277, 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:-



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- (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 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.3,50,000/-** (**Rupees Three Lakhs and Fifty Thousand 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 original Registration Certificate of the vehicle before the learned District Munsif Cum Judicial Magistrate, Thirumayam;
- (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;



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(f) the petitioner shall produce the vehicle before the Court on first working day of every English Calendar month until further orders.

22.08.2025

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

- 1.The District Munsif Cum Judicial Magistrate,
Thirumayam.
- 2.The Sub Inspector of Police,
Thirumayam Police Station,
Pudukottai 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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Order made in
Crl.R.C.(MD)No.1144 of 2025

Dated: 22.08.2025