



CRL RC(MD)No.1150 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.1150 of 2025

Esakkimuthu

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. By The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli.

In Crime No.412 of 2025

... Respondent

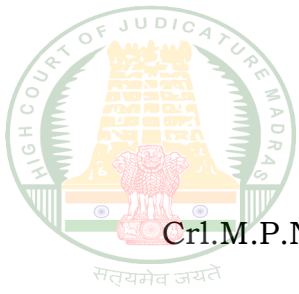
PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records relating to set aside the order passed in Cr.M.P.No.2831 of 2025 on the file of the learned Judicial Magistrate No.III, Tirunelveli, dated 28.07.2025, in Crime No.412 of 2025 on the file of the respondent Police and allow this Criminal Revision Petition.

For Petitioner : Mr.S.Prabha

For Respondent : Mr.S.S.Manoj,
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.III, Tirunelveli, in



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Crl.M.P.No.2831 of 2025 dated 28.07.2025 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.412 of 2025, under Section 303(2) of BNS and Section 21(4) of Mines and Mineral (Development and Regulation) Act, for illegal transport of sand through tipper lorry bearing registration No.TN-72-AH-3640 and JCB Mix Excavator bearing registration No.TN-72-AL-7522. Subsequently, the petitioner's vehicles were seized. Thereafter, the petitioner filed Crl.M.P.No. 2831 of 2025 for the return of vehicle before the learned Judicial Magistrate No.III, Tirunelveli and the same was dismissed on 28.07.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 28.07.2025 made in Crl.M.P.No.2831 of 2025 on the file of the learned Judicial Magistrate No.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 vehicles are returned to the



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petitioner, there is possibility for the vehicles being used for the commission of similar offence and objected to grant interim custody of the vehicles to the petitioner.

6. The learned counsel appearing for the petitioner would submit that the vehicles bearing registration No.TN-72-AH-3640 and registration No.TN-72-AL-7522 are owned by the petitioner and he will not involve in any such offence as alleged by the respondent and if the vehicles are kept in open place, the vehicles will get deteriorated and the value of the vehicles would automatically stand diminished and therefore, interim custody may be granted to the petitioner.

7. Considering the fact that if the vehicles are kept in open place exposing to sun and rain, the value of the vehicles will be deteriorated and no purpose will be served in keeping the vehicles in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 28.07.2025 passed in CrI.M.P.No.2831 of 2025 by the learned Judicial Magistrate No.III, Tirunelveli.

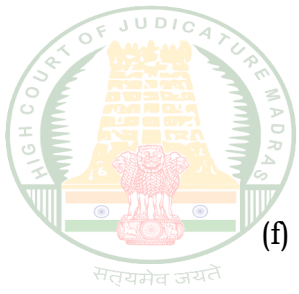
8. Accordingly, this Criminal Revision Case is allowed and the order dated 28.07.2025, passed in CrI.M.P.No.2831 of 2025 by the learned Judicial Magistrate No.III, Tirunelveli, is hereby set aside and the vehicles viz., Tipper Lorry bearing Registration No.TN-72-AH-3640 and JCB bearing



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Registration No.TN-72-AL-7522, 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 vehicles 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. 7,00,000/- (Rupees Seven Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli ;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicles 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 vehicles in question for any illegal activities in future, failing which the respondent/trial Court is at liberty to confiscate the vehicles ;
- (e) the petitioner shall not alienate and shall not make any alteration in the vehicles ;



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(f) the petitioner shall produce the vehicles before the learned Trial Court weekly once i.e, on Monday of english calendar month until further orders ;

25.08.2025

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

To

- 1.The Judicial Magistrate No.III, Tirunelveli.
- 2.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli.
- 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.,

Mrn

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