



CRL RC(MD)No.1156 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.1156 of 2025

Sankaralingam @ Moorthy @ Sankaramoorthy ... Petitioner

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Town East Police Station,
Thanjavur.
In Crime No.191 of 2024.

... Respondent

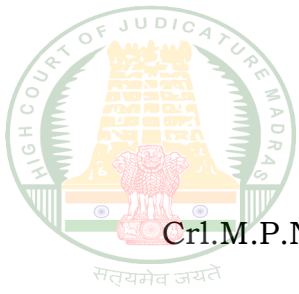
PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records relating to set aside the order passed in Cr.M.P.No.2028 of 2024 on the file of the learned Judicial Magistrate No.I, Thanjavur, dated 01.07.2024 in Crime No.191 of 2024 on the file of the respondent Police.

For Petitioner : Ms.D.Saranya

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.I, Thanjavur, in



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Crl.M.P.No.2028 of 2024 in Crime No.191 of 2024 dated 01.07.2024 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.191 of 2024, under Section 379 of IPC r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, for illegal transport of sand through bullock cart. Subsequently, the petitioner's bullock cart was seized. Thereafter, the petitioner filed Crl.M.P.No.2028 of 2024 for the return of bullock cart before the learned Judicial Magistrate No.I, Thanjavur and the same was dismissed on 01.07.2024.

3. The petitioner preferred this Criminal Revision Case as against the order dated 01.07.2024 made in Crl.M.P.No.2028 of 2024 on the file of the learned Judicial Magistrate No.I, Thanjavur, 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.Manohar, submitted that if the bullock cart is returned to the petitioner, there is possibility for the bullock cart being used for the



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commission of similar offence and objected to grant interim custody of the bullock cart to the petitioner.

6. The learned counsel appearing for the petitioner would submit that the bullock cart is owned by the petitioner and he will not involve in any such offence as alleged by the respondent and if the bullock cart is kept in open place, the bullock cart will get deteriorated and therefore, interim custody may be granted to the petitioner.

7. Considering the fact that if the bullock cart is kept in open place exposing to sun and rain, the bullock cart will be deteriorated and no purpose will be served in keeping the bullock cart in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 01.07.2024 passed in Crl.M.P.No.2028 of 2024 by the learned Judicial Magistrate No.I, Thanjavur.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 01.07.2024, passed in Crl.M.P.No.2028 of 2024 by the learned Judicial Magistrate No.I, Thanjavur, is hereby set aside and the bullock cart 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 give an undertaking before the



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respondent/ authority concerned stating that he will not use the bullock cart in question for any illegal activities in future, failing which the respondent/trial Court is at liberty to confiscate the bullock cart ;

(b) the petitioner shall not alienate and shall not make any alteration in the bullock cart ;

25.08.2025

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

To

- 1.The Judicial Magistrate No.I, Thanjavur.
- 2.The Inspector of Police,
Town East Police Station,
Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

Mrn

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