



Crl.R.C.(MD)No.1191 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.1191 of 2025

Ramesh

... Petitioner

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Thuraiyur Police Station,
Trichy District.
(Crime No.310 of 2025)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to set aside the order in Cr.M.P.No.384 of 2025 on the file of learned Judicial Magistrate, Thuraiyur, Trichy District, dated 05.08.2025.

For Petitioner : Mr.S.Sathyachidambaram

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in CrI.M.P.No.384 of 2025 in Crime No.310 of 2025 dated 05.08.2025 on the file of the Judicial Magistrate, Thuraiyur, Trichy District, dismissing the petition filed under Section 497 of B.N.S.S.



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2. The petitioner claims to be the owner of the Ashok Leyland vehicle bearing Registration No.TN 78 AB 3555. The respondent police has registered a case in Crime No.310 of 2025 for the offences under Sections 303(2) of BNS and Section 21(1) of Mines and Minerals (Development & Regulation) Act on 02.05.2025 and seized the above said vehicle for the alleged illegal transportation of washing 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.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Thuraiyur, Trichy District for returning of the said vehicle in Crl.M.P.No.384 of 2025 and the learned Judicial Magistrate, vide order dated 05.08.2025, 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.



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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 the accused in this case.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 78 AB 3555 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 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 05.08.2025 passed in Crl.M.P.No.384 of 2025, by the learned Judicial Magistrate, Thuraiyur, Trichy District.



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8. Accordingly, this Criminal Revision Case is allowed and the order dated 05.08.2025 passed in Crl.M.P.No.384 of 2025 by the learned Judicial Magistrate, Thuraiyur, Trichy District, is hereby set aside and the Ashok Leyland vehicle bearing Registration No.TN 78 AB 3555, 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.50,000/- (Rupees 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;
- (b) the petitioner shall execute a bond for a sum of **Rs.3,00,000/- (Rupees Three Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Thuraiyur, Trichy District;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Thuraiyur, Trichy District;



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- (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 Court on first Monday of every English Calendar month until further orders.

29.08.2025

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

- 1.The Judicial Magistrate No.I,
Srivaikundam, Thoothukudi District.
- 2.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.



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L.VICTORIA GOWRI ,J.

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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.

Order made in
Crl.R.C.(MD)No.1191 of 2025

Dated: 29.08.2025