



WEB COPY

CRL RC No. 27 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

Crl.R.C.No. 27 of 2022

Ganesan
S/o Kathaperumal

..Petitioner(s)

Vs

State Rep By
Inspector of Police
Manalmedu Police Station
Nagapattinam District
(Crime No.905/2020)

..Respondent(s)

Prayer: Criminal Revision Case is filed under Section 397 r/w Section 401 Cr.P.C. seeking to set aside the order passed in Crl.M.P.No.1397 of 2021 on the file of the District and Sessions Judge, Nagapattinam, dated 30.04.2021 and grant interim custody of the vehicle bearing Reg.No.TN82V4951 in favour of the petitioner and allow this Revision.

For Petitioner(s):

Mr.U.Kathiravan

For Respondent(s):

Mr.S.Udayakumar

Government Advocate (Crl. Side)

Assisted by Ms.Harchana

ORDER

The petitioner is the owner of the Tractor attached with Tipper bearing Registration No.TN82V4951, which was seized by the respondent in Crime No.905 of 2020. He filed a return of property petition in Crl.M.P.No.1397 of



2021. The Lower Court vide order dated 30.04.2021, dismissed the petition, against which, the present Revision has been preferred.

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2.The contention of the petitioner is that he is an agriculturist and owner of the Tractor and Tipper bearing Reg.No.TN82V4951. On 02.07.2020, the Tractor and Tipper was seized by the respondent police on suspicion that the vehicle was used for illegal transportation of one unit of river sand. The petitioner is not an accused. The petitioner purchased the vehicle on 18.03.2020 under hypothecation for his agricultural usage. It has been projected that one Ravi S/o.Govindaraj had abandoned the vehicle on seeing the police and the vehicle was found with one unit of river sand.

3.It is his further contention that the admitted position of the prosecution is that the driver of the vehicle fled from the scene of occurrence and as to how the said Ravi name fixed as an accused is not known. For the purpose of statistics, the petitioner's vehicle seized by the respondent. The vehicle, from the date of seizure, kept in open exposing to vagaries of weather for the past six years and vehicle now started rusting. Added to it, the petitioner is burdened to pay the financier otherwise the vehicle will be seized.

4.The Lower Court not considering these aspects and dictum laid down by the Apex Court had given its own reasoning that if the vehicle is released,



there is a possibility of redeployment of the said vehicle for committing the same offence using another set of drivers and dismissed the petition which is not proper. The vehicle was purchased only for the agricultural purpose.

5.The learned Government Advocate strongly opposed the petitioner's contention and submitted that in this case, on 02.07.2020, when the respondent police were keeping a vigil and patrolling near Kadalangudi Village, they saw a blue colour Tractor and a driver coming before them. On seeing the police, the driver of the Tractor stopped the vehicle and escaped from the scene. Later, it was found that the driver was one Ravi, S/o.Govindaraj. Thereafter, the Tractor along with one unit of river sand was brought to the police station, case registered in Crime No.905 of 2020 for offences under Section 379, 420 & 430 I.P.C. 21(1) of Mines and Minerals (Development and Regulation) Act. The Lower Court finding that the petitioner is the owner of the vehicle and releasing the vehicle would only encourage the petitioner to indulge in further illegal quarrying and smuggling of river sand, rightly dismissed the petition. He further submitted that in this case the absconding accused, the driver of the vehicle is yet to be arrested and due to which the investigation is still pending.

6.Heard both sides. Perused the materials placed on record.

7.Considering the submissions and perusal of the materials reveals that



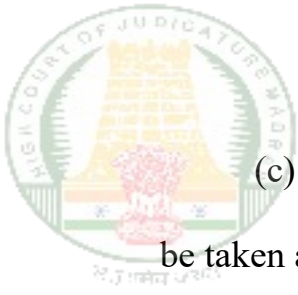
admittedly the petitioner is not a named accused as on date, who is only the owner of the Tractor and Tipper bearing Registration No.TN82V4951. The seized vehicle is kept in the open yard exposing to vagaries of weather. It is seen that the vehicle is so far not been produced before the learned Judicial Magistrate No.I, Myladuthurai, but mahazar has been sent to the Court.

8.In view of the above, this Court, following the decision rendered by the Hon'ble Apex Court in *Sunderbhai Ambalal Desai V. State of Gujarat* [2002 (10) SCC (283)] sets aside the order passed by the learned District and Sessions Judge, Nagapattinam, in Crl.M.P.No.1397 of 2021, dated 30.04.2021.

9.The learned Judicial Magistrate No.I, Myladuthurai is hereby directed to return the Tractor and Tipper bearing Reg.No.TN82V4951, to the petitioner on the petitioner subject to the following conditions;

(a) The petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety for a like sum to the satisfaction of the learned Magistrate concerned;

(b) The respondent police is directed to produce the vehicle before the concerned Court and obtain a case property number.



(c) At the time of returning the vehicle, the photographs of the vehicle to be taken at the cost of the petitioner and kept it in the case records.

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(d) The petitioner shall not alienate and make any alteration in the vehicle.

(e) The petitioner shall produce the vehicle before the Court and before the respondent police as and when required.

10.This Criminal Revision Case stands allowed accordingly.

17-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To.

1.The Inspector of Police
Manalmedu Police Station
Nagapattinam District
(Crime No.905 of 2020)

2.The Public Prosecutor
High Court of Madras
Chennai 600 104



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M.NIRMAL KUMAR, J.

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