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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.Nos.193 and 186 of 2026

Muthu

..Petitioner(s) in
Crl.R.C.No.193 of 2026

Manikandan

..Petitioner(s) in
Crl.R.C.No.186 of 2026

Vs

State Rep. by
The Inspector of Police,
Panamarathu Patti Police Station,
Salem District.
(Crime No.145 of 2025)

..Respondent(s) in both
cases

Common Prayer: These criminal revision case have been filed under Sections 438 r/w. 442 of BBSS seeking to set aside the order of dismissal dated 12.11.2025 made in Crl.M.P.Nos.6710 and 6472 of 2025 on the file of the Judicial Magistrate-1, Salem.

In both cases:

For Petitioner(s): Mr.T.N.Rangesh Kanna

For Respondent(s): Mr.P.Vinoth Raja
Government Advocate (Crl.Side)



COMMON ORDER

These revision cases challenges the dismissal of petitioners application seeking return of their tractor along with compressor bearing Regn.Nos.TN 33 B 7682 and Koamtsu Hydraulic Excavator machine bearing SL.No.N723845 respectively.

2. The petitioners are accused in Cr.No.145 of 2025 registered for the offences under Sections 303(2) and 62 of BNS, 2023 and Section 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957. The allegation is that the petitioners have transported granite without any valid licence.

3. During the course of investigation, the vehicles belonging to the petitioners, were seized on 20.06.2025. When the petitioners sought return of the vehicles, the learned Magistrate dismissed the petitions by the impugned orders dated 12.11.2025 on the ground that the petitioners allegedly used the vehicles for commission of offence and if it is released, they would commit offences of similar nature in future.

4. The learned counsel for the petitioners submits that the vehicles have been lying idle in an open place in the police station ever since its seizure, resulting in continuous deterioration and loss of value, and if not released, it

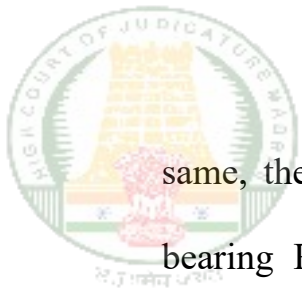


would be reduced to scrap. He further submitted that no confiscation proceedings have, in fact, been initiated; that the petitioners, being the owners, are entitled to interim custody; and that they are willing to comply with any conditions imposed by this Court.

5. The learned Government Advocate (Crl. Side), on instructions, submits that the vehicles are presently secured in the police station; that no confiscation proceedings have been initiated till date; and that though the learned Magistrate had observed that the accused were involved in two other similar cases, it is stated that the said cases were registered against some other persons. The learned Government Advocate has also filed a counter to that effect.

6. In the light of the above submissions, this Court is of the view that the vehicles cannot be kept idle in an open space and its value cannot be allowed to be diminished as held by the Hon'ble Supreme Court. The petitioners are the owners of the vehicles and therefore, they are the proper persons entitled to the interim custody of the vehicles, subject to the confiscation proceedings if any initiated.

7. Accordingly, these Criminal Revision Cases are allowed and the impugned order dated 12.11.2025 made in Crl.M.P.Nos.6710 and 6472 of 2025 on the file of the Judicial Magistrate-1, Salem, are set aside. In view of the



same, the interim custody of the vehicles viz., Ford Tractor with compressor, bearing Regn.No.TN 33 B 7682 and Koamtsu Hydralic Excavator bearing SL.No.N723845 to the respective petitioners on the following conditions -

(i) The petitioners shall each execute a personal bond for a sum of Rs.10,00,000/- each (Rupees Ten Lakhs Only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate-1, Salem;

(ii) The petitioners shall produce the original RC Book along with a self-attested Photostat copies of the RC Books of the vehicles and other relevant records to prove their ownership. The learned Judicial Magistrate-1, Salem, shall peruse the RC books and other records, retain xerox copies of the same and return the original RC books to the petitioners;

(iii) The petitioners shall not alter or alienate the vehicles in any manner;

(iv) The petitioners shall also give an undertaking that they will produce the vehicles as and when required by the respondent and by the Court below.

(v) The return of properties would be subject to the result of the confiscation proceedings.

16-02-2026

Neutral Citation: Yes/No

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To

1. The Inspector of Police,
Panamarathu Patti Police Station,
Salem District.
2. The Judicial Magistrate-1, Salem
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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