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CRL RC No. 582 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 582 of 2026

Santhosh Kumar

Petitioner(s)

Vs

State by,
The Inspector of Police,
Amaravathi Police Station,
Tiruppur District.
Cr.No.2 of 2026.

Respondent(s)

PRAYER: This Criminal Revision Case filed under Section 438 and 442 of BNSS, 2023, to call for the records relating to the order dated 29.01.2026 made in Crl.MP.No.58 of 2026 on the file of the learned Judicial Magistrate No.I, Udumalaipet, (b) Set aside the said order (c) Consequently direct the respondent police to release the petitioner's vehicle, namely Ashok Leyland Tipper Lorry bearing Registration No.TN-22-AV-6139, to the petitioner, subject to such conditions as this Court may deem fit and proper and pass such further or other orders as this Court.

For Petitioner(s): Mr.R.Babu

For Respondent(s): Mr.R.Kishore Kumar
Government Advocate (Crl.Side)



ORDER

The revision challenges the dismissal of the petitioner's application seeking return of his vehicle viz., Ashok Leyland tipper lorry bearing Reg.No.TN-22-AV-6139, which was seized during the course of investigation in Crime No.2 of 2026 registered for the offences under Section 303(2) of BNSS read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

2. It is the case of the prosecution that the accused in the said case was transporting approximately 3 units of gravel stones without valid permission and thus committed the offence under Section Section 303(2) of BNSS read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

3. During the course of the investigation, the petitioner's vehicle, which was used by the accused, was seized. The petitioner sought return of vehicle, which came to be dismissed by the impugned order.

4. The learned counsel for the petitioner would submit that the petitioner is not an accused; that he is the owner of the vehicle and therefore he is entitled for interim custody of the vehicle on any stringent conditions.



5. The learned Government Advocate (Crl. Side) confirmed the fact that the petitioner is not an accused in this case and that he is the owner of the vehicle, and that confiscation proceedings have been initiated.

6. At this juncture, it is appropriate to refer to the judgment of the Hon'ble Supreme Court of India in *Bishwajit Dey Vs. The State of Assam* reported in **(2025) 3 SCC 241**, where the Hon'ble Supreme Court of India held that the mere risk of misuse of the vehicle by a third party, by itself, is not sufficient to take coercive action of refusing the prayer, as the fear or suspicion is only a hypothetical situation. Apart from that, if the vehicle is not released, there is every possibility that it will be wasted to the vagaries of the weather. Further, its value will also reduce. Contrarily, putting the vehicle for beneficial utility and to earn livelihood and to use the vehicle for the benefit of the society at large, could be achieved by granting interim custody of the vehicle.

7. Accordingly, considering the above facts and circumstances of the case, and that the petitioner being the owner of the vehicle and not an accused, this Court is inclined to grant interim custody of the vehicle to the petitioner subject to the result of the confiscation proceedings on the following conditions:

- (i) The petitioner shall execute a personal bond for a sum



of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Udumalaipet;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned Judicial Magistrate No.I, Udumalaipet, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

(iii) The petitioner shall not alter or alienate the vehicle in any manner;

(iv) The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the Court below.

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

8. Accordingly, this Criminal Revision Case stands allowed.

09-03-2026

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



To

1. The learned Judicial Magistrate No.I,
Udumalaipet.

2. The Public Prosecutor,
Madras High Court, Chennai.

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