



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 654 of 2026

Krishnamoorthy

..Petitioner(s)

Vs

State Rep by
The Inspector of Police,
Uddananapalli Police Station,
Krishnagiri District.
Crime No.311 of 2023

..Respondent(s)

Criminal Revision Case has been filed under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to set aside order dated 05.02.2026 made in Cr.M.P.No.201 of 2026 on the file of the Judicial Magistrate No.II, Hosur, in Crime No.311 of 2023 on the file of the respondent police.

For Petitioner(s): Mr.P.M.Jayachandran

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

ORDER

This Criminal Revision Case has been filed challenging the order passed by the learned Judicial Magistrate No. II, Hosur, dated 05.02.2026, dismissing

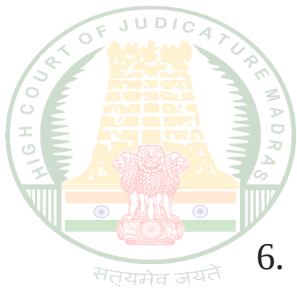


the petitioner's application for the return of his vehicle (Registration No. TN 70 AK 1109). The vehicle was seized during the course of the investigation in Crime No.311 of 2023, registered for the offences punishable under Section 379 of the Indian Penal Code (IPC) read with Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957.

2. The case of the prosecution is that, upon receiving secret information regarding the unauthorized smuggling of minerals in the Soolagiri Taluk, the respondent police intercepted the vehicle of the petitioner and other accused persons. The vehicle was found transporting 7 units of M-sand. It was subsequently alleged that the vehicle was used for the theft and transport of M-sand, leading to its seizure by the respondent police and revenue authorities.

4. The learned counsel for the petitioner would submit that the petitioner is not an accused in the case but is the bona fide owner of the vehicle. Therefore, he is entitled to interim custody of the vehicle subject to any stringent conditions the Court may impose.

5. The learned Government Advocate (Criminal Side) appearing on behalf of the respondent Police 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.



WEB COPY

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 like sum to the satisfaction of the learned Judicial Magistrate No. II, Hosur;

(ii) The petitioner is directed to make a non-refundable deposit of Rs.75,000/- directly to the credit of "Tamil Nadu State Legal Services Authority, High Court Campus, Chennai",



without prejudice to the right of the defence before the Trial Court and the receipt shall be produced at the time of executing the bond;

WEB COPY

(iii) 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.II, Cuddalore, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

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

(v) 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.

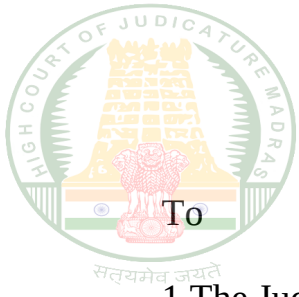
(vi) The return of property would be subject to the result of the confiscation proceedings.

8. Accordingly, this Criminal Revision Case stands allowed.

10-04-2026

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

Jeni



To

- 1.The Judicial Magistrate No.II, Hosur.
- 2.The Inspector of Police, Uddananapalli Police Station, Krishnagiri District.
3. Tamil Nadu State Legal Services Authority, High Court Campus, Chennai
- 4.The Public Prosecutor, High Court of Madras, Chennai.



WEB COPY

CRL RC No. 654 of 2



C.KUMARAPPAN, J.

Jeni

CRL RC No. 654 of 2026

10-04-2026