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CRL RC No. 182 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.182 of 2022

Rajavel
S/o. Rayar

..Petitioner(s)

Vs.

State Rep By
Inspector of Police
Manalmedu Police Station
Nagapattinam District
Crime No.184/2021

..Respondent(s)

Prayer: Criminal Revision Case filed under Section 397 and 401 Cr.P.C., seeking to set aside the order of the learned District and Sessions Judge, Nagapattinam in Crl.M.P.No.2486 of 2021 dated 31.08.2021 and allow the Criminal Revision Case.

For Petitioner(s):	Ms.M.Abbiraami
For Respondent(s):	Mr.S.Udayakumar Government Advocate (Crl. Side)

ORDER

The Revision Petitioner, the owner of Mahindra 475 Tractor with Tipper bearing Registration No.TN51AZ2783 and TN51AY3120 had filed a return of property petition before the trial Court in Crl.M.P.No.2486 of 2021. The



petition was dismissed vide order dated 31.08.2021, against which the present Revision.

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2.The contention of the petitioner is that the petitioner's vehicle had been falsely shown as a vehicle involved in Crime No.184 of 2021, for offence under Sections 379 and 430 I.P.C. & 21(1) of Mines and Minerals (Development and Regulation) Act. It is his submission that the petitioner is not an accused in the case and the petitioner is an agriculturist using the Tractor for agricultural purposes. The vehicle was purchased during Covid Pandemic Period and registration of the vehicle is still pending.

3.He further submitted that originally the tractor was purchased by one Vanitha of Sirkali Taluk on 09.12.2013. Later, the ownership of the vehicle was transferred to Sarabuji, S/o.Appadurai on 04.06.2015. The petitioner purchased the vehicle for Rs.3,50,000/- from Sarabuji on 23.03.2021, he produced the insurance transfer letter, sale receipt, Form 29 and Form 30. Since it was Covid Pandemic period, the registration could not be effected immediately. Supported with these documents, the petitioner filed a return of property petition. The trial Court on the objection raised by the Public Prosecutor that the vehicle used for the purpose of transportation of illegal sand mining, dismissed the petitioner filed for return of property. The vehicle has now been stationed in the open air, exposing to vagaries of weather, due to



which, the value of the vehicle is deteriorating day by day and further exposure and detention would make the vehicle valueless and the petitioner requires the vehicle for his agricultural purposes. In support of his contention, he relied upon the decision held by the Hon'ble Supreme Court in ***Sunderbha1 Ambalal Desai V. State of Gujarat*** [2002 (10) SCC (283)].

4.The learned Government Advocate submitted that on 20.04.2021 finding that the petitioner's Tractor with Tipper bearing Registration No.TN51AZ2783 and TN51AY3120 were used for illegal smuggling and transportation of one unit of river sand, a case in Crime No.184 of 2021 came to be registered. The driver of the vehicle abandoned the tractor and fled away from the scene. Thereafter, the vehicle seized and brought to the police station, case registered and the vehicle was sent to the Court and C.P.No.242 of 2025 obtained.

5.He further submitted that the petitioner earlier filed a return of property petition before the trial Court in Crl.M.P.No.2486 of 2021 and the trial Court vide order dated 31.08.2021 dismissed the same. It is his contention that if the vehicle is returned to the petitioner, the petitioner would continue to indulge in similar illegal sand quarrying. Since the accused is not traceable for the past four years, the Inspector of Police Manalmedu had filed action dropped requisition report before the trial Court on 06.10.2025 in Crime No.184 of 2021



for offence U/s.379 and 430 I.P.C. and as regards Section 21(1) of Mines and Mineral (Development and Regulation) Act, private complaint is contemplated.

Finding that the F.I.R. pending without any progress for past four years, as unknown accused absconding, the learned Judicial Magistrate No.I, Myladuthurai, ordered closure of the F.I.R. and action dropped. The learned Government Advocate further submitted that the Tractor produced before the trial Court and taken as case property in C.P.No.242 of 2025.

6.In view of the above, this Court directs the trial Court to return the Tractor with Tipper bearing Registration No. TN51AZ2783 and TN51AY3120 to 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 petitioner is directed to produce the original Registration Certificate which stands in the name of Sarabuji S/o. Appadurai, sale receipt, Form 29 and Form 30, along with a set of photostat copies.;

c) The petitioner, thereafter, to produce the vehicle before the concerned Registration Authority and get the registration certificate transferred in his name



and produce the original for verification and submit the photostat copy to the case file;

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d) The petitioner shall file an undertaking affidavit that the vehicle would be produced for inspection after registration and submit a photostat copy of the Registration Certificate transferred in his name;

e) The vehicle to be photographed and same to be retained in the case file.

7. With the above direction, this Criminal Revision Case stands allowed.

17-02-2026

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

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To.

1. The Inspector of Police
Manalmedu Police Station
Nagapattinam District
Crime No. 184 of 2021

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



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M.NIRMAL KUMAR, J.

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