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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C. No. 88 of 2026

Thamaraikani
S/o. Iyyanar,
No. 379/5, Pudhu Pettai,
Sanniyasigundu, Salem District.

..Petitioner

Vs.

State rep. By
The Inspector of Police,
Karipatty Police Station,
Salem District.
(Crime No. 130 of 2023)

..Respondent

Prayer: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS to set aside the order dated 07.07.2023 passed in Crl.M.P. No. 2855 of 2023 by the learned District Munsif cum Judicial Magistrate, Vazhapadi and direct the respondent to release the vehicle ‘Swaraj Automotives Ltd. (Swaraj Mazda)’ bearing Registration No. TN 72 BL 6275 (Engine No. SLTET107923), (Chassis No. TEZGL4GM0115065) which was seized in



connection with Crime No. 130 of 2023 on the file of the respondent Police to the petitioner.

For Petitioner :: Mr.R. Selvabharathi
For Respondent :: Mr.R. Vinothraja
Govt. Advocate (Crl.Side)

O R D E R

The petitioner challenges the dismissal of his application seeking return of his vehicle bearing Registration No. TN 72 BL 6275.

2. The petitioner is an accused in Crime No. 130 of 2023 on the file of the respondent Police registered for offences under Sections 379 and 511 IPC for attempting to remove sand illegally in tipper lorries. During the course of investigation, his tipper lorry, namely, 'Swaraj Mazda' bearing Registration No. TN 72 BL 6275 was seized. The petitioner sought return of his vehicle by filing Crl.M.P. No. 2855 of 2023, which was dismissed on merits by the learned Magistrate by the impugned order on the ground that the petitioner is an accused in the case and therefore, there are chances of him involving in similar kind of offence, if the vehicle is released to him.



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3. Learned counsel for the petitioner would submit that the vehicle is lying idle ever since the date of seizure, (i.e.) 03.05.2023; that it is subjected to vagaries of weather and that the petitioner shall abide by any stringent condition that may be imposed by this Court for return of his vehicle.

4. Learned Government Advocate (Crl.Side), on instructions, would submit that the respondent Police have now completed the investigation and filed the final report, which is yet to be taken on file and that no confiscation proceedings have been initiated so far. Further, he would fairly submit that the petitioner has no bad antecedents.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.



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6. Considering the aforesaid submissions, this Court is of the view that since the petitioner is the owner of the vehicle and the vehicle is subjected to vagaries of weather, he is entitled to interim custody of the vehicle.

7. Accordingly, the Criminal Revision is allowed and the impugned order dated 07.07.2023 passed in CrI.M.P. No. 2855 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Vazhapadi is set aside. The respondent is directed to hand over interim custody of the vehicle, namely, 'Swaraj Mazda' bearing Registration No. TN 72 BL 6275 to the petitioner subject to the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) with two sureties each for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Vazhapadi;

(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 District Munsif cum Judicial Magistrate, Vazhapadi, 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.

19.01.2026

Neutral Citation: Yes/No

nv

To

1. The District Munsif cum Judicial Magistrate,
Vazhapadi.
2. The Inspector of Police,
Karipatty Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN,J.

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