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Crl.R.C. No. 2853 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C. No. 2853 of 2025

Balaraman
S/o. Venu,
No. 397, Mettu Street,
Vinnavanur, Pachal Village,
Thiruvannamalai District.

..Petitioner

Vs.

The State rep. by
The Inspector of Police,
Madukkarai Police Station,
Coimbatore District.
(Cr. No. 318 of 2025)

..Respondent

Prayer: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS to call for records in connection with the order dated 07.10.2025 passed in C.M.P. No. 678 of 2025 by the learned District Munsif cum Judicial Magistrate, Madukkarai, Coimbatore District, set aside the same and consequently direct the respondent to return the vehicle bearing Registration No. TN 25 BK 3979 Bolero Pickup to the petitioner.



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the petitioner had failed to produce the mandatory Certificate of Safety (Form CE-1) as prescribed under Part 6 of Schedule V of Explosives Rules, 2008.

4. Learned counsel for the petitioner would submit that it is not in dispute that the petitioner has a valid licence; that the case of the prosecution is that the petitioner had transported 1825 kilograms of explosives instead of 1250 Kgs being the quantity permissible under the licence; that the petitioner had valid licence to transport it to Kerala and therefore, since the petitioner is the owner of the vehicle, interim custody of the vehicle may be handed over to him on stringent conditions. He would further submit that the petitioner has no bad antecedents.

5. Learned Government Advocate (Crl.Side), per contra, would submit that the investigation is pending ; that the petitioner had admitted of having transported explosives illegally to Kerala and therefore, he is guilty of the offence; that the vehicle was used for the said purpose and if the vehicle is returned, the petitioner is likely to commit similar offence.



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6. Heard both sides.

7. Admittedly, the petitioner has licence to transport explosives. The case of the prosecution is that he had transported explosives beyond the permissible limit as per the licence. The petitioner is the owner of the vehicle and he has got no bad antecedents. The vehicle is lying idle and is subjected to vagaries of weather.

8. Considering all the above facts, this Court is inclined to handover interim custody of the vehicle alone, bearing Registration No. TN 25 BK 3979 Bolero Pickup subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.2,00,000/- (Rupees Two lakhs only) with two sureties each for a likesum to the satisfaction of learned District Munsif cum Judicial Magistrate, Madukkarai, Coimbatore District;

(ii) The original RC book shall be retained in the custody of the Court below until further orders.



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(iii) The petitioner shall not alienate or alter 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.

9. With the above directions, the criminal revision petition stands partly allowed.

29.01.2026

nv

To

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



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SUNDER MOHAN,J.

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