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Crl.R.C.No.181 of 2026

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.181 of 2026

M.Muthukumar

... Petitioner

Vs.

State represented by
The Inspector of Police,
Komaralingam Police Station,
Tiruppur District.
(Crime No.12 of 2024)

... Respondent

Prayer: Criminal Revision Case filed under Section 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the order dated 01.04.2025 passed by District Munsif-cum-Judicial Magistrate, Madathukulam in Crl.MP.No.3166 of 2024 and to set aside the same and consequently direct the respondent to return the vehicle bearing No.TN-52-A-33467 Ashok Leyland Tipper Lorry, Engine No.YXE113022Z, Chassis No.MBIG3DWC19EYB2992 in Crime No.12 of 2024 to the petitioner.

For Petitioner : Mr.R.Thirumoorthy



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For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

The revision challenges the dismissal of the petitioner's application seeking return of his vehicle Tipper Lorry bearing Registration No.TN-52-A-3467, seized during the course of investigation in Crime No.12 of 2024 registered for the offence under Section 379 IPC r/w 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

2. The case of the prosecution is that the petitioner had transported gravel sand illegally in the vehicle. During the course of the investigation, the vehicle was seized on 13.01.2024. The petitioner had sought for return of the vehicle which came to be dismissed by the learned Magistrate on 14.05.2024. He challenged the said order before the Principal District Court, Tiruppur in Crl. Revision No.18 of 2024. The learned Principal District Judge disposed of the revision on 16.11.2024 with liberty to file a fresh application and thereafter, he filed Crl.M.P.No.3166 of 2024 which came to be dismissed on 01.04.2025.



3. The learned counsel for the petitioner would submit that the vehicle is lying idle at the police station since the date of seizure on 13.01.2024 subjected to vagaries of weather; that the petitioner is the owner of the vehicle and no confiscation proceedings have been initiated so far and the petitioner had no bad antecedents; and since he is the owner, interim custody may be handed over and he would abide by any stringent conditions imposed by this Court.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner is the first accused and fairly submit that confiscation proceedings have not been initiated so far.

5. Admittedly, the vehicle is lying idle at the police station since 13.01.2024 subjected to vagaries of weather and the petitioner is the owner of the vehicle. No confiscation proceedings have been initiated so far.

6. Considering all the above facts, this Court is inclined to set aside the impugned order dated 01.04.2025 passed by the learned District Munsif – cum – Judicial Magistrate, Madathukulam in Crl.M.P.No.3166 of



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2024 in Crime No.12 of 2024. Accordingly, the impugned order is set aside and the respondent is directed to hand over the interim custody of the vehicle to the petitioner on 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 for a likesum to the satisfaction of the learned District Munsif – cum – Judicial Magistrate, Madathukulam;

(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, Madathukulam, 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;



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(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, if any.

7. Accordingly, this Criminal Revision Case is allowed.

29.01.2026

Index : Yes/No
Speaking Order/Non Speaking Order
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SUNDER MOHAN, J.

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To



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1. The District Munsif – cum – Judicial Magistrate, Madathukulam
2. The Inspector of Police,
Komaralingam Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court, Madras.

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