



CrI.O.P.(MD)No.3947 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2026

CORAM:

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

CrI.O.P.(MD)No.3947 of 2026

and

CrI.M.P(MD)No. 4234 of 2026

Mohan

... Petitioner

Vs.

State Represented by
The Sub Inspector of Police
Gandharvakottai Police Station
Thanjavur District
Crime No.233 of 2025

... Respondent

PRAYER: Petition filed under Section 528 BNSS, to call for the entire records relating to the impugned order dated 23.01.2026 made in Cr.R.P.No.28 of 2025 on the file of the Principal District and Sessions Judge, Pudukkottai, set aside the same as illegal and consequently direct the respondent police to release the Bharat Benz Taurus vehicle bearing Registration No.TN-16-E-2273 belonging to the petitioner.

For Petitioner : Mr.M.Rajarajan
For M/s.Rityam Legal

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (CrI.side)



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ORDER

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The present petition has been filed challenging the order passed by the Principal District and Sessions Judge, Pudukkottai in Cr.R.P.No.28 of 2025 dated 23.01.2026.

2.The petitioner's vehicle was seized by the respondent police for being involved in Crime No.233 of 2025 on 22.09.2025 on the allegation of carrying illegal gravel sand. The petitioner had filed Cr.M.P.No.701 of 2025 before the District Munsif Cum Judicial Magistrate, Gandharvakkottai for release of vehicle. The said application was dismissed on 15.10.2025 on the ground that the vehicle was involved in a similar offence on an earlier occasion. Challenging the same, the petitioner has preferred criminal revision petition before the Principal District and Sessions Judge, Pudukkottai in Cr.R.P.No.28 of 2025 and the same was dismissed on 23.01.2026. Challenging the concurrent findings, the present petition has been filed.

3.According to the learned counsel appearing for the petitioner, though F.I.R is dated 22.09.2025, a charge sheet has not been filed so far. He further submits that this is the only vehicle owned by the petitioner and he had to pay the equated monthly instalments for the vehicle loan obtained by him. He further submits that if the vehicle is stationed in the police station, due to rain and shine, it is likely to get damaged and it will not be of any use to anyone. He



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further pointed out that he is ready for any stringent condition to be imposed by this Court for release of the vehicle.

4.Per contra, the learned Government Advocate (CrI.side) appearing for the respondent police submits that due to repeated involvement of the vehicle, the Courts below have refused to entertain the applications presented by the petitioner.

5.Heard both sides and perused the material records.

6.Considering the fact that the petitioner's vehicle is in the station custody for more than six months and so far, the charge sheet has not been filed, this Court is inclined to allow the petition and grant interim custody subject to the confiscation proceedings to be taken by the concerned department or by the Court on the following conditions:

a)the petitioner shall execute a personal bond for a sum of Rs.8,00,000/-, with two sureties for a like-sum to the satisfaction of the District Munsif Cum Judicial Magistrate, Gandharvakkottai;

b)the original R.C.book of the vehicle shall be retained by the concerned Judicial Magistrate;

c)the petitioner shall give an undertaking before the concerned authority stating that he will not use the vehicle in question for any illegal activities in future, failing which the respondent/trial Court is at liberty to confiscate the



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vehicle.

d)the petitioner shall not alienate and shall not make any alteration in the vehicle;

e)the petitioner shall produce the vehicle before the respondent police as and when required.

7.Subjection to the above said conditions, the interim custody of the vehicle shall be handed over to the petitioner and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

23.03.2026

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
msa



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1.The District Munsif Cum Judicial Magistrate,
Gandharvakkottai;

2.The Sub Inspector of Police
Gandharvakottai Police Station
Thanjavur District
Crime No.233 of 2025

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

msa

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