



Crl.Rc(MD)No.426 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.RC.(MD).No.426 of 2026

Maharajan

... Petitioner /
Owner of the Vehicle

Vs.

The State of Tamil Nadu,
Rep. by The Inspector of Police,
Murappanadu Police Station,
Tuticorin District.
(Crime No.93/2025)

... Respondent / Complainant

Prayer: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records relating to set aside the order passed in Crl.M.P.No.804 of 2025 on the file of the Learned Judicial Magistrate No.1, Srivaikundam, dated 21.01.2026 in Crime No.93 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Prabha

For Respondent : Mr.S.S.Manoj
Government Advocate (Crl.Side)



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ORDER

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This Criminal Revision Petition is filed to call for the records relating to the order of the learned Judicial Magistrate No.1, Srivaikundam, in Crl.M.P.No.804 of 2025 dated 21.01.2026 filed by the petitioner under Section 497 of BNSS and set aside the same as illegal and entrust the custody of the vehicle to the petitioner and allow the above Criminal Revision Petition.

2. The case of the prosecution is that the respondent filed an FIR in Crime No.93 of 2025 for an alleged offence under Section 303(2) of BNS Act, 2023, for illegal transport of red sand through Tipper Lorry bearing registration No. TN 72 BH 8795. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed Crl.M.P.No.804 of 2025 for the return of vehicle before the learned Judicial Magistrate No.1, Srivaikundam, and the same was dismissed on 21.01.2026.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 21.01.2026 made in Crl.M.P.No.804 of 2025



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on the file of the learned Judicial Magistrate No.1, Srivaikundam,
and to set aside the same.

4. Heard the learned counsels on either side and carefully
perused the materials available on record.

5. The learned Government Advocate (Criminal side) appearing
for the respondent Mr.S.S.Manoj, submitted that if the vehicle is
returned to the petitioner, there is possibility for the vehicle being
used for the commission of similar offence and objected to grant
interim custody of the vehicle to the petitioner.

6. The learned counsel appearing for the petitioner would
submit that the vehicle bearing Registration No. TN 72 BH 8795 is
owned by the petitioner and he was not involved in any such offence
as alleged by the respondent and if the vehicle is kept in open place,
the vehicle will get deteriorated and the value of the vehicle would
automatically stand diminished and therefore interim custody may
be granted to the petitioner.



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7. Considering the fact that if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 21.01.2026 passed in Crl.M.P.No.804 of 2025 by the learned Judicial Magistrate No.I, Srivaikundam.

9. Accordingly, this Criminal Revision Case is allowed and the order dated 21.01.2026, passed in Crl.M.P.No.804 of 2025 by the learned Judicial Magistrate No.I, Srivaikundam, is hereby set aside and the vehicle viz., Tipper Lorry bearing registration No. TN 72 BH 8795, is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

- (a) the petitioner is directed to deposit a sum of Rs. 75,000/- (Rupees Seventy Five Thousand only) as non-refundable deposit for the said vehicle to the



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(Account No: 6687756541, IFSC Code:
IDIB000H040, Indian Bank, High Court Branch,
Madurai);

- (b) the petitioner shall execute a bond for a sum of **Rs. 8,00,000/- (Rupees Eight Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Srivaikundam.
- (c) The petitioner shall produce the original RC Book of the vehicle before the learned Judicial Magistrate No.I, Srivaikundam.
- (d) the petitioner shall give an undertaking before the respondent/ authority concerned 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 vehicle;
- (e) the petitioner shall not alienate and shall not make any alteration in the vehicle;



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(f) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

05.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

1. The Judicial Magistrate No.1
Srivaikundam.
- 2.The Inspector of Police,
Murappanadu Police Station,
Tuticorin District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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