



Crl.Rc(MD)No.429 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.RC.(MD).No.429 of 2026

Anbarasan

... Petitioner /
Owner of the Vehicle

Vs.

The State of Tamil Nadu,
Rep. by The Inspector of Police,
(Law and Order)
K.K.Nagar Police Station,
Trichy City.
(Crime No.769/2025)

... Respondent / Complainant

Prayer: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to set aside the order in Cr.M.P.No.1406 of 2026, on the file of learned Judicial Magistrate No.II, Trichy, Trichy District, and allow the above Criminal Revision Petition.

For Petitioner : Mr.S.Sathyachidambaram

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Petition is filed to call for the records relating to the order of the learned Judicial Magistrate No.II, Trichy,



Crl.Rc(MD)No.429 of 2026

in Crl.M.P.No.1406 of 2026 dated 18.02.2026 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.769 of 2025 for an alleged offence under Section 303(2) of BNS Act, 2023, r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, for illegal transport of sand through Ashok Leyland Tipper Lorry bearing registration No.TN 91 X 5790. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed Crl.M.P.No.1406 of 2026 for the return of the vehicle before the learned Judicial Magistrate No.II, Trichy, and the same was dismissed on 18.02.2026.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 18.02.2026 made in Crl.M.P.No.1406 of 2026 on the file of the learned Judicial Magistrate No.II, Trichy, and to set aside the same.



Crl.Rc(MD)No.429 of 2026

WEB COPY

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.M.Sakthikumar, 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 91 X 5790 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.

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



Crl.Rc(MD)No.429 of 2026

Court is inclined to allow the revision and thereby setting aside the impugned order dated 18.02.2026 passed in Crl.M.P.No.1406 of 2026 by the learned Judicial Magistrate No.II, Trichy.

9. Accordingly, this Criminal Revision Case is allowed and the order dated 18.02.2026, passed in Crl.M.P.No.1406 of 2026 by the learned Judicial Magistrate No.II, Trichy, is hereby set aside and the vehicle viz., Ashok Leyland Tipper Lorry bearing registration No.TN 91 X 5790, 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. 40,000/- (Rupees Forty Thousand only) as non-refundable deposit for the said vehicle to the credit of WAA Cornelia Sorabjee Lecture Series (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



Crl.Rc(MD)No.429 of 2026

sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.II, Trichy.

(c) The petitioner shall produce the original RC Book of the vehicle before the learned Judicial Magistrate No.II, Trichy.

(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;

(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



Crl.Rc(MD)No.429 of 2026

To

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1. The Judicial Magistrate No.II,
Trichy.
2. The Inspector of Police,
(Law and Order)
K.K.Nagar Police Station,
Trichy City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.Rc(MD)No.429 of 2026

L.VICTORIA GOWRI, J.

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CRL RC(MD)No.429 of 2026

05.03.2026