



Crl RC(MD)No.523 of 2026

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L.VICTORIA GOWRI, J.

Today (10.04.2026),the matter is posted under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2.Learned counsel for the petitioner submitted that in the order dated 25.03.2026, the following corrections are to be carried out:

i) Paragraph No.5 of the order, may be deleted, since the learned Government Advocate(Crl.side) has no objection to release the vehicle, since the petitioner himself is a victim.

ii) In paragraph No.6, the third line may be deleted and incorporated, as follows:

"6.The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 65 BY 5613 is owned by the petitioner 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 of the vehicle may be granted to the petitioner. He would further submit that the petitioner's vehicle has been misused by the accused persons."



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iii) In paragraph No.8, condition : (c), may be deleted since, it is irrelevant to the case of the petitioner.

iv) In paragraph No.8, condition : (e) may be replaced as follows:

" (e). The petitioner shall produce the vehicle before the Trial Court as and when required by the learned Trial Court."

3. Heard the learned counsel for the petitioner and carefully perused the materials available on record.

4. In view of the submissions made by the learned counsel for the petitioner, the registry is directed to carryout the abovesaid corrections and issue a fresh order copy to the parties.

10.04.2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.03.2026

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.R.C.(MD)No.523 of 2026

S.Rajeshwaran
Petitioner

...

Vs.

The State of Tamilnadu,
Rep by the Inspector of Police,
Chokkampatti Police Station,
Tenkasi.
Crime No.255 of 2025.
Respondent

...

PRAYER : Revision filed under Section 438 r/w 442 of BNSS, 2023 to call for the records pertaining to the judgment passed in Crl.M.P.No.139 of 2026 on the file of the Magistrate Court, Tenkasi, dated 18.02.2026 and set aside the same and hand over the JCB vehicle bearing Registration No.TN 65 BY 5613 (Chassis NO.HAR3DXS4C03066648 and Engine No.H00306755) to the petitioner within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.Lenin Prabu



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For Respondent : Mr.M.Sakthi Kumar
Government Advocate

ORDER

This Criminal Revision Petition is filed to set aside the order of the learned Magistrate Court, Tenkasi, in Crl.M.P.No.139 of 2026 dated 18.02.2026 filed by the petitioner under Section 497 of BNSS of 2023.

2. The case of the prosecution is that the respondent police filed an FIR in Crime No.255 of 2025 for an alleged offence under Sections 318(4) of BNS, 2023, for illegal transport of mines through JCB vehicle bearing Registration No.TN 65 BY 5613 (Chassis No.HAR3DXS4C03066648 and Engine No.H00306755). Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed Crl.M.P.No.139 of 2026 for the return of vehicle before the learned Magistrate Court, Tenkasi, and the same was dismissed on 18.02.2026.



5. The learned Government Advocate (Criminal side) appearing for the respondent police 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.



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6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No. TN 55 BP 3447 is owned by the petitioner and he was not involved in any such offence as alleged by the respondent police 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 of the vehicle may be granted to the petitioner. He would further submit that the petitioner's vehicle has been misused by the accused persons.

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 that no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision thereby, setting aside the impugned order dated 18.02.2026 passed in Crl.M.P.No.139 of 2026 by the learned Magistrate Court, Tenkasi.

8. Accordingly, this Criminal Revision Case is allowed and the



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order dated 18.02.2026, passed in Crl.M.P.No. 139 of 2026 by the learned Magistrate Court, Tenkasi, is hereby set aside and the vehicle viz., JCB vehicle bearing Registration No.TN 65 BY 5613 (Chassis No.HAR3DXS4C03066648 and Engine No.H00306755), is ordered to be returned to the petitioner for 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 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 Magistrate Court, Tenkasi;

(b) The petitioner shall produce the original RC Book of the vehicle before the learned Magistrate Court, Tenkasi. If the original RC Book is in the custody of the finance company, the petitioner shall produce a photocopy of the RC Book, along with an affidavit stating that the original is with the finance company and a letter from the finance company acknowledging such custody.

(c) The petitioner shall give an undertaking before the respondent/ authority concerned stating that he will not use the vehicle in question for



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any illegal activities in future, failing which the first respondent/trial Court is at liberty to confiscate the 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 Trial Court once in a month i.e, on 1st Monday of every English calendar month.

25.03.2026

NCC : Yes / No
Index : Yes / No
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TO:-

1. The Inspector of Police,
Chokkampatti Police Station,
Tenkasi.
2. The Magistrate Court, Tenkasi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.R.C.(MD)No.523 of 2026

Dated
25.03.2026