



Crl.R.C.(MD)No.549 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.549 of 2026

K.Palaniyappan

... Petitioner/Petitioner

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
K.Pudupatti Police Station,
Pudukottai District.
(Crime No.20 of 2026)

... Respondent/Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records relating to the impugned order dated 12.03.2026 made in CrI.M.P.No.46 of 2026 on the file of the learned District Munsif Cum Judicial Magistrate, Thirumayam, Pudukkottai and set aside the same.

For Petitioner : Mr.M.Chandra Sekar

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

ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No.46 of 2026 in Crime No.20 of 2026 dated 12.03.2026 on the



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file of the District Munsif Cum Judicial Magistrate, Thirumayam, Pudukkottai, dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the Bullock Cart. The respondent police has registered a case in Crime No.20 of 2026 for the offences under Sections 303(2) of BNS, 2023 r/w 21(1), 21(2) M & M(D&R) Act and seized the above said vehicle for the illegal transportation of river sand. Thereafter, the petitioner filed Cr.M.P.No.46 of 2026 for return of vehicle before the learned District Munsif Cum Judicial Magistrate, Thirumayam, Pudukkottai, and the same was dismissed on 12.03.2026.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 12.03.2026 made in Cr.M.P.No.46 of 2026 on the file of the learned District Munsif Cum Judicial Magistrate, Thirumayam, Pudukkottai, and to set aside the same.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



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5. The learned Government Advocate (Criminal side) appearing for the respondent 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 said Bullock Cart 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 that 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 Court is inclined to allow the revision and thereby setting aside the impugned order dated 12.03.2026 passed in Crl.M.P.No.46 of 2026 by the learned District Munsif Cum Judicial Magistrate, Thirumayam, Pudukkottai.



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8. Accordingly, this Criminal Revision Case is allowed and the order dated 12.03.2026, passed in Crl.M.P.No.46 of 2026 by the learned District Munsif Cum Judicial Magistrate, Thirumayam, Pudukkottai, is hereby set aside and the Bullock Cart, 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 shall execute a bond for a sum of **Rs. 20,000/- (Rupees Thirty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Thirumayam, Pudukkottai;
- (b) 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;
- (c) the petitioner shall not alienate and shall not make any alteration in the vehicle;



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(d)the petitioner shall produce the vehicle before the
learned Trial Court as and when required;

26.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The District Munsif Cum Judicial Magistrate,
Thirumayam, Pudukkottai.
- 2.The Inspector of Police,
K.Pudupatti Police Station,
Pudukottai 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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Order made in
CrI.R.C.(MD)No.549 of 2026

Dated: 26.03.2026