



CRL RC(MD). No.571 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 01/04/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL RC(MD). No.571 of 2026

Sahaya Antony Xaviour

... Petitioner

Vs

State of Tamilnadu Rep by
Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
Crime No.686 of 2025.

... Respondent

PRAYER :-

To call for the records and set aside the order passed in CrI.M.P.No. 512 of 2025 by the District Munsif Cum Judicial Magistrate, Bhoothapandy, dated 16.03.2026 and order interim custody of the Ashok Leyland Tarus Lorry bearing Registration No.TN-56 M 6159 seized by the respondent on 08.10.2025.

For Petitioner : Mr. T.Leninkumar,
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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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 District Munsif Cum Judicial Magistrate, Bhoothapandy, in Crl.M.P.No.512 of 2025 dated 16.03.2026 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 registered a FIR in Crime No.686 of 2025 for an alleged offence under Section 303(2) of BNS Act, 2023, for illegal transport of sand in an Ashok Leyland Tarus Lorry bearing Registration No.TN-56 M 6159. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed Crl.M.P.No.512 of 2025 for the return of vehicle before the learned District Munsif Cum Judicial Magistrate, Bhoothapandy, and the same was dismissed on 16.03.2026.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 16.03.2026 made in Crl.M.P.No.512 of 2025 on



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the file of the learned District Munsif Cum Judicial Magistrate, Bhoothapandy, 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 Additional Public Prosecutor appearing for the respondent Mr.E.Antony Sahaya Prabahar, 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-56 M 6159 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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8. 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 16.03.2026 passed in CrI.M.P.No.512 of 2025 by the learned District Munsif Cum Judicial Magistrate, Bhoothapandy.

9. Accordingly, this Criminal Revision Case is allowed and the order dated 16.03.2026, passed in CrI.M.P.No.512 of 2025 by the learned District Munsif Cum Judicial Magistrate, Bhoothapandy, is hereby set aside and the vehicle viz., Ashok Leyland Tarus Lorry bearing Registration No.TN-56 M 6159, 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. 8,00,000/- (Rupees Eight Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif Cum Judicial Magistrate,



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Bhoothapandy;

- (b) The petitioner shall deposit the copy of RC Book of the vehicle before the learned District Munsif Cum Judicial Magistrate, Bhoothapandy. The petitioner is also directed to produce an affidavit submitting that the original RC Book is in the custody of the 2nd respondent finance company and also produced a letter from the finance company concerned acknowledging the custody of the original RC Book in their office;
- (c) 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;
- (d) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (e) the petitioner shall produce the vehicle before the learned Trial Court once in a month i.e, on 1st Monday of every English calendar month;

01.04.2026

Note: Issue order copy on **07.04.2026**

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L. VICTORIA GOWRI,J

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To

1. The District Munsif Cum Judicial Magistrate, Bhoothapandy.
2. The Inspector of Police, Aralvoimozhi Police Station,
Kanyakumari District. Crime No.686 of 2025.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

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Date : 01/04/2026