

Crl.R.C.(MD)No.647 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.647 of 2026

Gajendran

... Petitioner/Owner of the Property

Vs.

1.State of Tamil Nadu rep. by
The Sub Inspector of Police,
Thirumayam Police Station,
Pudukottai District.
(Crime No.33 of 2026)

... Respondent/Complainant

2.Deputy Manager,
Sundaram Finance Limited,
Shop No.2, 1st Floor,
3730/3 South 4th Street,
Pudukkottai District.

... Respondent/Finance Company

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records pertaining to the order in Cr.M.P.No.52 of 2026 on the file of the learned District Munsif cum Judicial Magistrate, Thirumayam, Pudukottai District dated 28.03.2026 and set aside the same.

For Petitioner : Mr.S.Sathiyachidambaram



Crl.R.C.(MD)No.647 of 2026

WEB COPY

For R1 : Mr.C.Susikumar
Government Advocate (Crl. Side)
For R2 : Mr.S.Pon Senthil Kumaran

ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No.52 of 2026 in Crime No.33 of 2026 dated 28.03.2026 on the file of the District Munsif cum Judicial Magistrate, Thirumayam, Pudukottai District, dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the Bharat Benz Taurus Lorry bearing Registration No.TN 63 BE 3940. The respondent police has registered a case in Crime No.33 of 2026 for the offences under Sections 303(2) of BNS r/w 21(1), 21(2) of Mines and Minerals (Development and Regulation) Act, 1957 and seized the above said vehicle for the illegal transportation of river sand. Thereafter, the petitioner filed Cr.M.P.No.52 of 2026 for return of vehicle before the learned District Munsif cum Judicial Magistrate, Thirumayam, Pudukottai District, and the same was dismissed on 28.03.2026.



Crl.R.C.(MD)No.647 of 2026

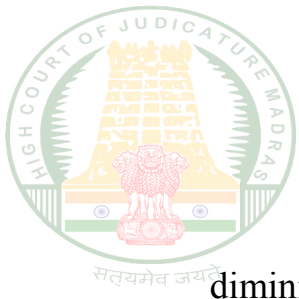
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3. The petitioner preferred this Criminal Revision Petition as against the order dated 28.03.2026 made in Cr.M.P.No.52 of 2026 on the file of the learned District Munsif cum Judicial Magistrate, Thirumayam, Pudukottai District, and to set aside the same.

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

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 vehicle bearing Registration No.TN 63 BE 3940 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



Crl.R.C.(MD)/No.647 of 2026

WEB COPY

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 28.03.2026 passed in Crl.M.P.No.52 of 2026 by the learned District Munsif cum Judicial Magistrate, Thirumayam, Pudukottai District.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 28.03.2026, passed in Crl.M.P.No.52 of 2026 by the learned District Munsif cum Judicial Magistrate, Thirumayam, Pudukottai District, is hereby set aside and the vehicle viz., Bharat Benz Taurus Lorry bearing Registration No.TN 63 BE 3940, 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:-



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Crl.R.C.(MD)No.647 of 2026

- (a) the petitioner is directed to deposit a sum of Rs. 1,00,000/- (Rupees One Lakh only) as non-refundable to the credit of MANGAYAR MANGALAM, A/c No: 12730100005505, Egmore Branch, Chennai, IFSC code: BARB0EGMORE, an organisation contributing towards underprivileged women and children;
- (b) the petitioner shall execute a bond for a sum of **Rs. 4,00,000/- (Rupees Four Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thirumayam, Pudukottai District;
- (c) The petitioner shall produce the copy of RC Book of the vehicle before the learned District Munsif cum Judicial Magistrate, Thirumayam, Pudukottai District. 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.



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Crl.R.C.(MD)/No.647 of 2026

- (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 learned Trial Court once in a month i.e, on 1st Monday of every English calendar month;

16.06.2026

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

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CrI.R.C.(MD)No.647 of 2026

L.VICTORIA GOWRI ,J.

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To

- 1.The District Munsif cum Judicial Magistrate,
Thirumayam, Pudukottai District.
- 2.The Sub Inspector of Police,
Thirumayam Police Station,
Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
CrI.R.C.(MD)No.647 of 2026

Dated: 16.06.2026