



CRL RC(MD)No.819 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2026

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.819 of 2026

Ganesh

... Petitioner

Vs.

State of Tamil Nadu,
rep., by the Inspector of Police,
(Law and Order)
Manikandam Police Station,
Trichy District.
Crime No.34 of 2026

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records and set aside the order in Cr.M.P.No. 2212 of 2026 on the file of the learned Judicial Magistrate No.IV, Trichy, dated 24.03.2026 and allow the above criminal revision petition.

For Petitioner : Mr.S.Sathyachidambaram

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

ORDER

This Criminal Revision Petition is filed to call for the records and set aside the order in Cr.M.P.No.2212 of 2026 on the file of the learned Judicial Magistrate No.IV, Trichy, dated 24.03.2026 and allow the above criminal revision petition.



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2. The case of the prosecution is that the respondent filed a FIR in Crime No.34 of 2026 for an alleged offence under Section 303(2) of BNS Act, 2023 and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, for illegal transport of river sand through Tipper lorry bearing registration No.TN 65 X 9526. Subsequently, the petitioner's vehicle was seized. Thereafter, the petitioner filed Crl.M.P.No.2212 of 2026 for the return of vehicle before the learned Judicial Magistrate Court No.IV, Trichy, Trichy District, 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.2212 of 2026 on the file of the learned Judicial Magistrate Court No.IV, Trichy, Trichy District, 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 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 65 X 9526 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 Court is inclined to allow the revision and thereby setting aside the impugned order dated 18.02.2026 passed in CrI.M.P.No.2212 of 2026 by the learned Judicial Magistrate Court No.IV, Trichy, Trichy District.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 18.02.2026 passed in CrI.M.P.No.2212 of 2026 by the learned Judicial Magistrate Court No.IV, Trichy, Trichy District, is hereby set aside and the vehicle viz., Tipper Lorry bearing Registration No.TN 65 X 9526, 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.75,000/-
(Rupees Seventy Five Thousand only) as non-refundable



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deposit for the said vehicle to the credit of the Manolaya, 4/133/4, Chardep Nagar Atchankulam, Potrayadi P.O. Kanyakumari District-629 703 (Indian Overseas Bank, Kottaram, Account No: 025302000000284, IFSC Code: IOBA0000253;

- (b) the petitioner shall execute a bond for a sum of **Rs.8,00,000/- (Rupees Eight Lakh only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate Court No.IV, Trichy, Trichy District;
- (c) The petitioner shall deposit the copy of RC Book of the vehicle before the learned Judicial Magistrate Court No.IV, Trichy, Trichy District. If the original RC Book is in the custody of the finance company, the petitioner shall produce a photo copy 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;
- (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;



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(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;

30.04.2026

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

To

- 1.The Judicial Magistrate Court No.IV, Trichy, Trichy District.
- 2.The Inspector of Police,
(Law and Order)
Manikandam Police Station,
Trichy District..
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

Rmk

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