

Crl.R.C.(MD)No.853 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.05.2026

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.R.C.(MD)No.853 of 2026

Usman Ali

... Petitioner

Vs

State Of Tamilnadu Rep By
Inspector Of Police,
Thirumayam Police Station,
Pudukottai District.
(In Crime No. 56 of 2026).

... Respondent

Prayer: This Criminal Revision Case filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the order passed in Crl.M.P. No. 83 of 2026 in Crime No. 56 of 2026 dt. 11.05.2026 on the file of the Learned Judicial Magistrate, Thirumayam, Pudukottai District and Set-aside the same by allowing the Criminal Revision Case and pass such further or other orders.

For Petitioner

: Mr.E.Balasubramanian

For Respondent

: Mr.Abul Kalam Azad
Government Advocate (Crl.side)



Crl.R.C.(MD)No.853 of 2026

ORDER

WEB COPY

The present Criminal Revision case has been filed by the 3rd accused in Crime No.56 of 2026 on the file of the respondent police, wherein, the petitioner has alleged to have committed offences punishable under Sections 329(3) of BNS and 21(4) of M&M (D&R) Act.

2. A perusal of the records reveals that, in connection with Crime No.56 of 2026, the respondent police officials recovered a Hydraulic Mobile Crane bearing Engine No. SJV43507149CACFD00521 and Machine No. ACE015XWKS0486289 from the petitioner. The petitioner filed an application for return of the said vehicle under Section 497 of BNSS in Crl.M.P. No.83 of 2026 before the Judicial Magistrate, Thirumayam. The said petition was dismissed by the trial Court on the ground that, at the time of seizure, the petitioner did not possess any permit or licence for using the vehicle.

3. The learned Counsel for the revision petitioner would submit that the petitioner is the owner of the vehicle, namely, a Hydraulic Mobile Crane bearing Engine No.SJV43507149CACFD00521 and Machine No. ACE015XWKS0486289. The said vehicle was seized by the respondent police, and a case was registered in Crime No.56 of 2026, dated 25.03.2026, for the offences punishable under Section 329(3) of BNS and Section 21(4) of the

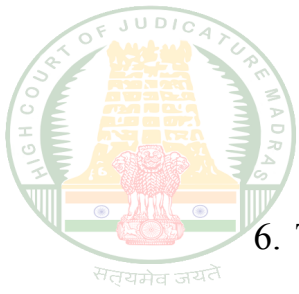


Crl.R.C.(MD)No.853 of 2026

Mines and Minerals (Development and Regulation) Act, 1957, alleging that the petitioner had illegally transported minerals without possessing any valid licence or permit.

4. He further submits that the petitioner's vehicle was never involved in any such offence as alleged by the prosecution. The entire livelihood of the petitioner's family depends upon the income derived from hiring out the said crane on a rental basis. The petitioner is in possession of the tax invoice and insurance policy standing in his name. In such circumstances, it is evident that the petitioner is the owner of the property, and therefore, retention of the vehicle would only result in its deterioration. Hence, this Criminal Revision Case has been filed.

5. The learned Counsel appearing for the revision petitioner further submits that the petitioner is the owner of the said vehicle and he is willing to abide by any conditions that may be imposed by this Court. In support of the same, he has produced copies of the tax invoice and the insurance policy.



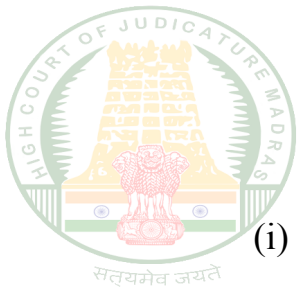
Crl.R.C.(MD)No.853 of 2026

6. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the case property is very important to be marked as a material object during the trial. If the vehicle is returned to the petitioner on interim custody, there is a likelihood of alteration of its physical features. Hence, he opposed to allow the present Criminal Revision Case.

7. Heard the learned Counsels appearing on either side and perused the materials available on record.

8. Considering the fact that, if the vehicle in the present case is kept in custody in an open yard, it will be exposed to the vagaries of weather, resulting in diminution of its value and, in the course of time, it may be reduced to scrap, and further considering that the confiscation proceedings pursuant to the FIR registered in Crime No.56 of 2026 may take some time, this Court is inclined to set aside the order impugned in the present revision case.

9. Accordingly, the impugned order dated 11.05.2026 passed by Judicial Magistrate, Thirumayam in Crl.M.P.No.83 of 2026, is set aside and the seized vehicle viz., Engine No.SJV43507149CACFD00521, Machine No.ACE015XWKS0486289 Hydraulic Mobile Crane is directed to be released to petitioner subject to the following conditions:



Crl.R.C.(MD)No.853 of 2026

(i) Petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Thirumayam.

(ii) Vehicle shall be released after preparing a video and still photographs of the vehicle and after obtaining all information/documents necessary for identification of the vehicle.

(iii) Petitioner shall not sell or part with the ownership of the vehicle till conclusion of the trial and shall furnish an undertaking to the trial court that he shall surrender the vehicle within one week of being so directed.

(iv) Petitioner shall give an undertaking before respondent/authority concerned stating that he will not use the vehicle in question for any illegal activities in future and shall produce the same as and when required by respondent Police and also the trial Court, failing which the respondent/trial Court is/are at liberty to confiscate the vehicle.

(v) Petitioner undertakes to co-operate in confiscation proceedings, if any, initiated/to be initiated.

(vi) Petitioner is also directed to participate in the enquiry to be conducted by the respondent Police.

(vii) Petitioner shall surrender the original documents regarding to the said offending vehicle before the Judicial Magistrate, Thirumayam.



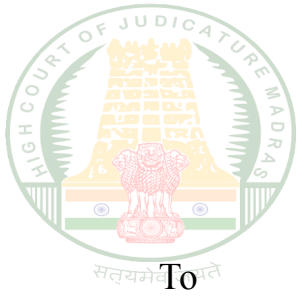
Crl.R.C.(MD)No.853 of 2026

(viii) Petition relating to return of vehicle documents for any purpose in the future may be filed before Judicial Magistrate, Thirumayam, who may consider the same on merits, though this order has been passed by the High Court.

10. With the above said directions, this Criminal Revision case is **allowed.**

21.05.2026

Index :yes/No
Internet:yes/No
gvn



Crl.R.C.(MD)No.853 of 2026

To
WEB COPY

1.The Judicial Magistrate, Thirumayam,
Pudukottai District.

2.The Inspector of Police,
Thirumayam Police Station,
Pudukottai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.R.C.(MD)No.853 of 2026

R.VIJAYAKUMAR,J.

gvn

Crl.R.C.(MD)No.853 of 2026

21.05.2026