

Crl.R.C.(MD)No.985 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.985 of 2026

Rajendran

... Petitioner/Petitioner

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Musiri Police Station,
Trichy District.
(Crime No.208 of 2026)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the entire records pertaining to the order passed by the Learned Judicial Magistrate, Musiri in Crl.M.P.No.462 of 2026 vide order dated 08.05.2026 and set aside the same and consequently, direct the above said Learned Judicial Magistrate, Musiri to return the petitioner's Tipper Lorry bearing its Registration No.TN-38-BC-2908 in connection with the case in Crime No.208 of 2026 on the file of the respondent police.

For Petitioner : Mr.K.Arunraj

For Respondent : Mr.C.Susikumar
Government Advocate (Crl. Side)



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ORDER

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The Criminal Revision is directed against the order passed in Cr.M.P.No.462 of 2026 in Crime No.208 of 2026 dated 08.05.2026 on the file of the Judicial Magistrate, Musiri, dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-38-BC-2908. The respondent police has registered a case in Crime No.208 of 2026 for the offences under Sections 303(2) of BNS, 2023 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and seized the above said vehicle for the illegal transportation of red soil. Thereafter, the petitioner filed Cr.M.P.No.462 of 2026 for return of vehicle before the learned Judicial Magistrate, Musiri, and the same was dismissed on 08.05.2026.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 08.05.2026 made in Cr.M.P.No.462 of 2026 on the file of the learned Judicial Magistrate, Musiri, and to set aside the same.



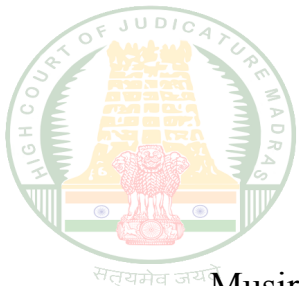
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4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

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. He further submitted that despite having committed the same offense earlier and had filed an undertaking that he will not repeat the same, this is for the second time he has involved in the similar offense.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-38-BC-2908 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. He further submitted that the original copy of the RC book has already been produced before the learned Judicial Magistrate Court,



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Musiri in Crime No.152 of 2024.

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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 08.05.2026 passed in Crl.M.P.No.462 of 2026 by the learned Judicial Magistrate, Musiri.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 08.05.2026, passed in Crl.M.P.No.462 of 2026 by the learned Judicial Magistrate, Musiri, is hereby set aside and the vehicle viz., Tipper Lorry bearing Registration No.TN-38-BC-2908, 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.

1,00,000/- (Rupees One Lakh only) as non-refundable to

the credit of MANGAYAR MANGALAM, A/c No:



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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 Lakh only), with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Musiri;

(c) Since the original RC Book is already in the custody of the learned Judicial Magistrate, Musiri, the petitioner shall produce a photocopy of the RC Book in this case.

(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



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of every English calendar month;

19.06.2026

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

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To

- 1.The Judicial Magistrate, Musiri.
- 2.The Inspector of Police,
Musiri Police Station,
Trichy 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
Crl.R.C.(MD)No.985 of 2026

Dated: 19.06.2026