



Crl.R.C.(MD)No.1370 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.1370 of 2025

Murugesan

... Petitioner/Petitioner/
Owner of the vehicle

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime No.260 of 2025)

... Respondent/Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records relating to set aside the order passed in Crl.M.P.No.627 of 2025 on the file of the learned Judicial Magistrate No.II, Sivakasi, dated 21.07.2025 in Crime No.260 of 2025 on the file of the respondent police and allow this Crl.RC.

For Petitioner : Mr.S.M.Anantha Murugan

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



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ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.627 of 2025 in Crime No.260 of 2025 dated 21.07.2025 on the file of the Judicial Magistrate No.II, Sivakasi, dismissing the petition filed under Section 497 of B.N.S.S.

2. The petitioner claims to be the owner of the SWARAJ 735 FE Tractor bearing Registration No.TN 67 BR 7468. The respondent police has registered a case in Crime No.260 of 2025 for the offences under Sections 303(2) of BNS, 2023 r/w 21(1), 21(2) of MMDR Act, 1957 on 07.06.2025 and seized the above said vehicle for the illegal transportation of river sand. Thereafter, the petitioner filed Crl.M.P.No. 627 of 2025 for return of vehicle before the learned Judicial Magistrate No.II, Sivakasi, and the same was dismissed on 21.07.2025.

3. The petitioner preferred this Criminal Revision Petition as against the order dated 21.07.2025 made in Crl.M.P.No.627 of 2025 on the file of the learned Judicial Magistrate No.II, Sivakasi, and to set aside



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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.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN 67 BR 7468 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.



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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 21.07.2025 passed in Crl.M.P.No.627 of 2025 by the learned Judicial Magistrate No.II, Sivakasi.

8. Accordingly, this Criminal Revision Case is allowed and the order dated 21.07.2025, passed in Crl.M.P.No.627 of 2025 by the learned Judicial Magistrate No.II, Sivakasi, is hereby set aside and the vehicle viz., SWARAJ 735 FE Tractor bearing Registration No.TN 67 BR 7468, 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.50,000/-

(Rupees Fifty Thousand only) as non-refundable to the

credit of MANOLAYA, Bank Name: INDIAN

OVERSEAS BANK, A/c No:025302000000284, A/c



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Name: MANOLAYA, Branch: Kottaram, IFSC code:
IOBA0000253;

- (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 Judicial Magistrate No.II, Sivakasi;
- (c) The petitioner shall produce the copy of RC Book of the vehicle before the learned Judicial Magistrate No.II, Sivakasi. 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.
- (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;



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(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;

29.04.2026

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

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To

1.The Judicial Magistrate No.II, Sivakasi.

2.The Inspector of Police,
Maraneri Police Station,
Virudhunagar 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.1370 of 2025

Dated: 29.04.2026