



**IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.**

**PRESENT : Thiru.K.Poorana Jeya Anand, M.A., M.L.,
Principal Sessions Judge, Pudukkottai.**

Tuesday, the 17th day of March, 2026
(Thiruvalluvarandu 2057, Sri Viswavasudam Varudam Panguni Thingal 03rd day)

Cr.R.P.No.24/2025
(CNR No.TNPD010048902025)

Rajarethinam, aged 35/2025,
S/o. Karuppiah,
No.429, Naduththeru,
Vennavalkudi Village,
Alangudi Taluk
Pudukkottai District.

**... Revision petitioner /
Owner of the vehicle**

versus

State represented by
Sub Inspector of Police,
Aathanakkottai Police Station
Pudukkottai District,
Crime No.66/2025

... Revision Respondent /Complainant

This Criminal Revision Petition has come up for final hearing before me on 07.03.2026 in the presence of Mr.M.Kulam Nabi Aasath, Learned Advocate appearing for the revision petitioner and of Mr.Venkatesan, Learned Public Prosecutor appearing for the revision respondent and upon hearing the arguments



on both sides and upon perusing the available records and having stood over for consideration till this day, this court passed the following...

ORDER

1) This Criminal Revision Petition has been filed by the Revision Petitioner U/s.440 of BNSS against the order passed by the Learned District Munsif cum Judicial Magistrate, Gandharvakkottai on 25.09.2025 in Cr.M.P.No.615/2025.

2) The facts necessary for disposal of this Criminal Revision Petition is as follows:- The revision petitioner has filed a petition in Cr.M.P.No.615/2025 before the trial court u/s 497 of BNSS, for interim custody of the Tipper Lorry bearing Registration No. TN-46-AB-3435, which is alleged to have been seized by the respondent in a case registered in Cr.No.66/2025 under section 303(2) of BNS r/w 21(1), 21(2) of Mines and Minerals (Development and Regulation) Act, 1957. After full enquiry, the Learned District Munsif cum Judicial Magistrate, Gandharvakkottai has dismissed the petition. Aggrieved over the said dismissal order, the revision petitioner has preferred this Criminal Revision Petition.

3) Counter filed by the Revision respondent is as follows:-

The petitioner filed a petition Cr.M.P.No.615/2025 for interim custody of the vehicle and the same was dismissed by this Jurisdictional Magistrate on 25.09.2025. If the vehicle is handed over



the revision petitioner he may do the same kind of offence and he may sell the vehicle. Hence, prays to dismiss the revision petition.

4) The Learned Counsel appearing for the revision petitioner argued that the trial court has failed to appreciate the legal and factual issues involved in this case in a proper perspective and has failed to consider the documents filed by the revision petitioner, which prove the ownership of the revision petitioner in respect of the petition mentioned vehicle. He further contends that the vehicle was used by the petitioner day to day life, and if the vehicle is handed over to the petitioner, he would not sell, pledge or alter the said vehicle and if the said vehicle is not handed over to the petitioner, he would be put to irreparable loss and hardships. This vehicle and the petitioner are not involved any other offence. Therefore, it is prayed to revise the order of the court below and order for interim custody of vehicle to the petitioner pending disposal of the case.

5) On the other hand, the Learned Public Prosecutor submitted that the Learned District Munsif cum Judicial Magistrate, Gandharvakkottai has passed a just and reasonable order which need not to be revised in this revision petition.

6) **Point for determination in this Criminal Revision Petition is**

Whether this Criminal Revision Petition is to be allowed or not?



7) **Point:** Rival submissions are taken into consideration and perused the records. As per FIR, a case has been registered on 06.08.2025 by the respondent in Cr.No.66/2025 u/s 303(2) of BNS r/w 21(1), 21(2) of the Mines and Minerals (Development & Regulation) Act, 1957 for illegally by using a crime, the said vehicle bearing Registration No.TN 46 AB 3435. It is further revealed from the FIR that the offending vehicle has been seized by the respondent in this case.

8) On perusal of the order copy in Cr.M.P. No.615/2025 dated 25.09.2025 of the District Munsif cum Judicial Magistrate, Gandharvakkottai, it came to know that the above petition was dismissed on the grounds that if the vehicle is handed over to the petitioner, he may alter, pledge or sell the vehicle and also, the petitioner is commit again the same offence and the investigation was pending at that time.

9) On the side of the revision petitioner, it is submitted that if the vehicle is handed over to the revision petitioner, he is ready to abide any conditions imposed by the court and he would produce the vehicle, when it will be required by the Court. It is further submitted on the side of the revision petitioner that if the vehicle is kept idle in the police station in the sun light and rain water, it would become unfit and thereby, it will lose its value.

10) On perusal of the available records, it is seen that the petitioner is a owner of the vehicle in this case and he has filed the copy of his Aadhar card to prove



his identity. As per records and submissions put forth on either sides and the report submitted by the Learned District Munsif cum Judicial Magistrate, Gandharvakkottai, it is revealed that the petition mentioned offending vehicle has been produced before the trial court and remanded in R.P.No.18/2025. To prove the ownership of the above vehicle, the revision petitioner has filed copy of RC Book, which shows that the revision petitioner is the owner of the petition mentioned vehicle. The respondent also does not dispute the ownership of the petitioner over the said vehicle, which is sought to be returned pending disposal of the case. The issue as to whether the said vehicle was used for transporting of gravel sand illegally, should be decided only after getting evidence in the trial.

11) It is further revealed from the case records that the investigating agency has not initiated the confiscation proceedings against the vehicle involved in this case and so, the petition filed by the petitioner seeking the relief of interim custody is maintainable. For the foregoing reasons and discussions, this court is inclined to allow this petition with conditions by setting aside the order passed by the Learned District Munsif cum Judicial Magistrate, Gandharvakkottai and thus, this point is answered accordingly.

12) In the result, this Criminal Revision Petition is allowed with the following conditions by setting aside the order passed by the Learned District Munsif



cum Judicial Magistrate, Gandharvakkottai on 25.09.2025 and allowing the petition in Cr.M.P.No.615/2025 with the following conditions:-

- 1) The Jurisdictional Magistrate is directed to release the said Tipper Lorry bearing Registration No. TN 46 AB 3435. (remanded in R.P.No.18/2025) in favour of the revision petitioner, who is the owner of the same, on interim custody after proper identification through the respondent and with documents till the disposal of the case in Crime No.66/2025 of Aathanakkottai Police Station.
- 2) The revision Petitioner shall execute a personal bond for a sum of Rs.2,00,000/- with two sureties each for a like sum to the satisfaction of the Jurisdictional Magistrate;
- 3) The revision petitioner shall surrender the original R.C.Book stands in his name in respect of the vehicle before the Jurisdictional Magistrate's Court till the disposal of the case. However, the petitioner is permitted to obtain the original RC book on petition from the said Magistrate's Court for renewal of the registration of the vehicle as and when required and after renewal, he shall hand over the original RC Book again to the said Magistrate's Court;



- 4) The petitioner shall take photograph of the vehicle from all angles and produce the photographs and CD before the Jurisdictional Magistrate's Court.

- 5) The Petitioner shall file an Affidavit before the Jurisdictional Magistrate's Court that
 - i) he should not use the vehicle for similar type of offences;

 - ii) he should produce the vehicle before the Court as and when require

 - iii) The vehicle shall be produced for confiscation, if the confiscation proceedings is initiated by the respondent police ;

 - iv) he should not sell, change or alter the nature and colour or otherwise dispose of the vehicle till the disposal of this case.

This order is directly dictated to Executive Assistant of this court, typed by her in computer, corrected then and there and pronounced by me in open court, this the 17th day of March, 2026.

PRINCIPAL SESSIONS JUDGE
PUDUKKOTTAI.