



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C (MD) No.460 of 2019

WEB COPY

Manikandan

... Petitioner/Petitioner

Vs.

The Inspector of Police,
Munnerpallam Police Station,
Tirunelveli District.
(Crime No.458 of 2018)

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the impugned order of the learned Judicial Magistrate No.V, Tirunelveli in Crl.M.P.No.4070 of 2019, dated 22.04.2019 and to set aside the same and consequently direct the respondent to hand over and petitioner's vehicle bearing Registration No.TN-50-C-3937 and allow this revision petition.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.R.Anandharaj

Additional Public Prosecutor

O R D E R

The petitioner claims to be the owner of the 407 Lorry (Goods Vehicle) bearing Registration No.TN-50-C-3937. On 19.12.2018, the respondent police found the said vehicle carrying ½ unit odai sand in violation of the provision of the Mines and Minerals Development Regulation Act, 1957. The respondent police registered a case in Crime No.458 of 2018 under Section 379 of IPC., and seized the said vehicle. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate No.V, Tirunelveli, for interim custody. The learned Judicial Magistrate No.V, Tirunelveli, by order dated 22.04.2019 has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.Mr.R.Anandharaj, learned Additional Public Prosecutor has strongly opposed to release the vehicle.



filed by the petitioner. However, Considering the facts and circumstances of the case, this Court is inclined to allow this petition.

5. Accordingly, this petition is allowed and the order of the learned Judicial Magistrate No.V, Tirunelveli in CrI.M.P.No.4070 of 2019, dated 22.04.2019 is set aside and the learned Judicial Magistrate is directed to return the vehicle subject to the petitioner on the following conditions:-

(a) The petitioner shall deposit the original Registration Certificate of the vehicle;

(b) The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) to the credit of Crime No.458 of 2018 on the file of the learned Judicial Magistrate No.V, Tirunelveli District, within a period of two weeks from the date of receipt of a copy of this order;

(c) The petitioner shall not make any alteration of the vehicle;

(d) The petitioner shall produce the same before the Court as and when required.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.V, Tirunelveli
2. The Inspector of Police,
Munnerpallam Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-79830[F] dated 05/08/2019)

CrI.R.C (MD) No.460 of 2019
05.08.2019