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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.RC.NO.584 OF 2022

Periyasamy

... Petitioner

Vs.

The State by  
The Inspector of Police,  
Sathyamangalam Police Station,  
Erode District  
(crime No.171 of 2022)

...Respondent

PRAYER:

Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 11.03.2022 passed in Crl.MP.No.184 of 2022 on the file of the learned Judicial Magistrate Court, Sathyamangalam and to grant interim custody of the vehicle bearing registration No.TN 47 AX 8850(tractor) to the petitioner.

For Petitioner : Mr.C.Vasudevan

For Respondent : Mr.Leonard Arul Joseph Selvam,  
Government Advocate(crl.side)

ORDER

This revision has been filed against the dismissal of the petition in Crl.MP.No.184 of 2022 dated 11.03.2022 passed by the learned Judicial Magistrate Court, Sathyamangalam seeking for return of the vehicle bearing registration No.TN 47 AX 8850 (tractor) to the petitioner

2. The brief facts of the case :-

The respondent has registered a case in Cr.No.171 of 2022 for the offence under Sections 379 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and had seized the vehicle bearing registration No.TN 47 AX 8850(tractor) for having used the same in illegal sand mining. The petitioner who is the owner of the vehicle and not arrayed as an accused, had filed Crl.MP.No.184 of 2022 under Sections 451 and 457 Cr.PC



seeking for return of the vehicle. The learned Judicial Magistrate Court, Sathyamangalam finds that if the vehicle is released, the possibility of redeployment of the said vehicle for committing the same offence with another set of drivers is there, had dismissed the petition for return of the vehicle by order dated 11.03.2022, against which the present revision has been filed.

3. The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and he is not an accused in this case. The vehicle was taken by the respondent police from the house of the petitioner and foisted the case for statistical purpose. He would submit that the petitioner appeared for enquiry and the respondent finding that the petitioner has nothing to do with the offence had not implicated the petitioner in the crime. The petitioner is put to severe hardship and loss due to the detention of the vehicle. He would submit that the petitioner is prepared to contest the confiscation proceedings, if any, by giving a reply. He would submit that the vehicle is now kept in the open place, exposed to the vagaries of weather and thereby the value of the vehicle is getting deteriorated day by day. He would submit that the petitioner is prepared to abide by any stringent condition that may be imposed on him and that he is prepared to produce the vehicle as and when required by the respondent/police or confiscating authority.

4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the vehicle bearing registration No.TN 47 AX 8850(tractor) was seized by the respondent in connection with the Cr.No.171 of 2022 for having used in the illegal sand mining. He would fairly submit that the petitioner is not an accused in this case and so far the respondent has not initiated confiscation proceedings

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

6. The petitioner is the owner of the vehicle bearing registration No.TN 47 AX 8850(tractor). The petitioner is not an accused in this case. Further the respondent has not initiated any confiscation proceedings so far.

7. Taking into consideration of the fact that no confiscation proceedings has been initiated so far and the



petitioner who has filed this revision is not arrayed as an accused in the above case, this Court is of the opinion that the interim custody of the vehicle may be handed over to the petitioner subject to imposition of conditions.

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8. Accordingly, the Criminal Revision Petition is allowed and the impugned order, dismissing the petition for return of vehicle in Cr.MP.No.184 of 2022 dated 11.03.2022 passed by the learned Judicial Magistrate, Sathyamangalam is hereby set aside and that the interim custody of the vehicle bearing registration No.TN 47 AX 8850(tractor) shall be handed over to the petitioner, subject to the following conditions:

i) The petitioner shall execute a bond for a sum of Rs.50,000/- with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate Court, Sathyamangalam.

ii) The petitioner shall produce the Original RC Book of the vehicle in question before the learned Judicial Magistrate Court, Sathyamangalam and file an affidavit of undertaking that he will not dispose or alter the physical features of the vehicle and that he will produce the vehicle before the said Court as and when required by the Trial Court or the Investigating Agency.

iii) The RC book of the vehicle shall be retained by the Trial Court till the disposal of the trial or until further orders from this Court.

The respondent is at liberty to proceed with the confiscation proceedings and the order passed in this revision will not be a bar to the authorities in proceeding with the confiscation proceedings.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate Court,  
Sathyamangalam
2. The Inspector of Police,  
Sathyamangalam Police Station,  
Erode District
3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.30104

Crl.RC.No.584 of 2022

MT (CO)  
PM/13/05/2022