



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2022

CORAM:

WEB COPY

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

Crl.R.C. (MD).No.457 of 2022

C.Thirumurugan

.. Petitioner/3rd Party

Vs.

State Represented by the
Sub-Inspector of Police,
Salaikaramam Police Station,
(Crime No.46 of 2018)

.. Respondent/Complainant

Prayer:- Criminal Revision petition is filed under Section 397 r/w 401 Cr.P.C. to call for the entire relevant records of the impugned order passed by the learned District Munsif cum Judicial Magistrate Court, Illayankudi in Cr.M.P.No.122 of 2022 dated 03.03.2022 in C.C.No.13 of 2022, and set aside the same consequently direct to release the petitioner's JCB Vehicle No.TN-30-X-8444 by following the Rule 257 of the Criminal Rules of Practice, 2019, within a stipulated time that may be fixed by this Court.

For Petitioner :Mr.R.Senthilkumar

For Respondent :Mrs.M.Aaasha
Government Advocate (Crl.Side)

ORDER

The Criminal Revision case is filed to set aside the impugned order dated 03.03.2022 made in Cr.M.P.No.122 of 2022 dated 03.03.2022 C.C.No.13 of 2022, on the file of the learned District Munsif cum Judicial Magistrate Court, Illayankudi and consequently, to return the petitioner's vehicle, namely JCB Vehicle No.TN-30-X-8444 to the petitioner forthwith.

2.The petitioner claims to be the owner of the JCB Vehicle No.TN-30-X-8444. On 13.05.2018, the respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand without any valid permit and registered the case in Crime No.46 of 2018 for the offence under Sections 379 IPC and 21(1) of Mines and Minerals (Development and Regulations) Act, 1957. Subsequently, the petitioner has approached the learned District Munsif cum Judicial Magistrate Court,



Illayankudi, by way of filing a petition in Crl.M.P(MD)No.122 of 2022 for release of the vehicle. The learned Magistrate, by order dated 03.03.2022 has dismissed the same. Challenging the said order, the petitioner is before this Court with this revision petition.

3.The learned counsel appearing for the petitioner submitted that if the vehicle is not given to the petitioner, the petitioner will be put to heavy and irreparable loss and prayed for return of the vehicle to the petitioner.

4.Mrs.M.Aaasha, learned counsel for State Government (Crl.side) has strongly opposed to release the vehicle.

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

6.On consideration of the documentary evidence the trial Court has dismissed the petition on the ground that no specific information has been submitted with regard to the fact that whether private complaint has been lodged before the Special Court or not on the side of the prosecution. Since the reasons stated by the petitioner in the petition are acceptable, the order passed by the trial Court is liable to be set aside.

7. Accordingly, this Criminal Revision Case is allowed and the order of the learned District Munsif cum Judicial Magistrate Court, Illayankudi passed in in Cr.M.P.No.122 of 2022 in C.C.No.13 of 2022 dated 03.03.2022 is set aside and the learned District Munsif cum Judicial Magistrate Court, Illayankudi, is directed to return the vehicle subject to the petitioner complying the following conditions:-

(a)The petitioner shall produce the attested copy of the R.C Book before the trial court;

(b)The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate Court, Illayankudi, 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 an when required.

Sd/-

Vacation Officer

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The District Munsif cum Judicial Magistrate Court,
Illayankudi,

2.The Sub-Inspector of Police,
Salaikeramam Police Station,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-23897[F] dated
20/05/2022)

Crl.R.C. (MD) .No.457 of 2022
19.05.2022

MK/27.05.2022/3P/5C