



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

**Crl.R.C. (MD)Nos.511 and 529 of 2022**

**Crl.R.C. (MD)No.511 of 2022:**

Bores K.M. (Kanister M.Brose)

... Petitioner/Owner of the  
vehicle

Vs.

The Sub-Inspector of Police,  
Ottapidaram Police Station,  
Tuticorin.  
(Crime No.120 of 2022)

...Respondent/Complainant

**Prayer :** This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in Cr.M.P.No.693 of 2022, dated 19.05.2022, on the file of the District Munsif Court cum Judicial Magistrate, Vilathikulam and set aside the order passed in Cr.M.P.693 of 2022, dated 19.05.2022 by the learned Judicial Magistrate, Vilathikulam, in Cr.No.120 of 2022, on the file of the respondent police and order for interim custody of the vehicles TN 69 BH 9475 and TN 69 BH 9975 to the petitioner.

**Crl.R.C. (MD)No.529 of 2022:**

I.Susmitha

... Petitioner/Owner of the vehicle

Vs.

The Sub-Inspector of Police,  
Ottapidaram Police Station,  
Tuticorin.  
(Crime No.120 of 2022)

...Respondent/Complainant

**Prayer :** This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in Cr.M.P.No.694 of 2022, dated 19.05.2022, on the file of the District Munsif Court cum Judicial Magistrate, Vilathikulam and set aside the order passed in Cr.M.P.694 of 2022, dated 19.05.2022 by the learned Judicial Magistrate, Vilathikulam, in Cr.No.120 of 2022, on the file of the respondent police and order for interim custody of the vehicle TN 69 BJ 4675 to the petitioner.



For Petitioner  
in both petitions : Mr.Ka.Raamakrishnan  
For Respondent  
in both petitions : Mr.S.Manikandan,  
Government Advocate (Crl. side)

WEB COPY

**COMMON ORDER**

Both the Criminal Revision Petitions are directed against the orders passed in Crl.M.P.Nos.693 and 694 of 2022 dated 19.05.2022 dismissing the applications filed under Sections 451 and 457 Cr.P.C., for returning of the vehicles.

2. It is evident from the records that the respondent police registered a case in Cr.No.120 of 2022 for the alleged offences under Sections 269, 270, 278 and 290 I.P.C., and recovered three Tipper Lorries bearing Registration Nos.TN 69 BH 9475, TN 69 BH 9975 and TN 69 BJ 4675 along with the waste accumulated by the textile factories. The learned Magistrate, by observing that though the vehicles were seized by the police, the same were not produced before the concerned Court and that the petitioners have not proved their ownership, dismissed the applications.

3. The learned Counsel for the petitioners would submit that the petitioners have already produced the R.C. of the concerned vehicles to show the ownership and that the petitioner is the proprietor of Dilipan Transport.

4. The learned Government Advocate (Crl.Side) appearing for the State would submit that three vehicles were already produced before the concerned Magistrate and the properties were remanded in R.P.No.211 of 2022, on the file of the learned Judicial Magistrate, Vilathikulam. The learned Government Advocate (Crl.Side) would further submit that they have unloaded the waste and therefore, the petitioners may be directed to bear the expenses for destruction of the waste and according to them it comes around Rs.10,000/- for each lorry.

5. Considering the above facts and circumstances and also the facts that the petitioner has produced the Registration Certificate of the vehicles and that the vehicles were already produced before the concerned Court and the same was remanded, this Court decides that the order passed by the learned District Munsif Court cum Judicial Magistrate, Vilathikulam passed in Crl.M.P.Nos.693 and 694 of 2022 dated 19.05.2022 is liable to be set aside and the learned Magistrate is to be directed to release the vehicle of the petitioner and accordingly, these Criminal Revision Cases are allowed on the following conditions:



- the petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten thousand only) each for three vehicles to the SB account of the Superintendent of Police, Tuticorin (SB A/c No.10852662427 IFSC Code:SBIN0000943) for destroying the waste;
- the petitioner is directed to pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) each for three vehicles to the account of "Environmental Fund" to be maintained by the District Legal Services Authority, Tuticorin District to preserve the environment;
- that the petitioner is directed to execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each for three vehicles along with two sureties each for a like sum to the satisfaction of the learned District Munsif Court cum Judicial Magistrate, Vilathikulam
- that the petitioner shall deposit the original Registration Certificate of the vehicles with the learned District Munsif Court cum Judicial Magistrate, Vilathikulam
- that the petitioner shall not alienate and shall not make any alteration in the vehicles;
- that the petitioner shall produce the vehicles before the Court and before the respondent police as and when required;

Sd/-

Assistant Registrar (CS I)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

SSL

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1. The District Munsif Court cum Judicial Magistrate, Vilathikulam.
2. The Sub-Inspector of Police, Ottapidaram Police Station, Tuticorin.



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

4 The Superintendent of Police,  
Tuticorin  
(SB A/c No.10852662427 IFSC Code:SBIN0000943)

5 The District Legal Services Authority,  
Tuticorin District

6 THE SECTION OFFICER,  
CRIMINAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**ORDER MADE IN**  
**Crl.R.C. (MD) Nos.511 and 529 of 2022**  
**27.06.2022**

MK/04.07.2022/4P/8C