



Crl.R.C.Nos.885 & 886 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2024

CORAM:

THE HONOURABLE MR. JUSTICE C.SARAVANAN

Crl.R.C.Nos.885 & 886 of 2024

Shakthi Earth Movers
Rep. by its Proprietor,
Shakthivel

... Petitioner in both petitions

Vs.

State by Inspector of Police,
Sankari Police Station,
Salem.
Crime No.122 of 2024

... Respondent in both Petitions

Common Prayer: Criminal Revision cases have been filed under Section 397 r/w 401 of Cr.P.C, to set aside the order of dismissal dated 15-04-2024 made in C.M.P.Nos.72 & 71 of 2024 on the file of the Judicial Magistrate No.1 Sankari and consequently ordered to release the petitioner's Ashok Leyland HGV Tipper 1616 XL Lorry bearing Registration No.TN-47-BB-0529 and Ashok Leyland HGV Tipper 1616XL Lorry bearing Registration No.TN 47-BB-0579 which was seized by the respondent police on 23.03.2024 by allowing this Criminal Revision Petition.

In both Crl.R.C'S



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For Petitioner : Mr.T.N.Rangeshkanna

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

COMMON ORDER

The petitioner's Ashok Leyland HGV Tipper 1616 XL Lorry bearing Registration No.TN 47 BB 0529 and No.TN 47-BB-0579 were seized by the defacto complainant for illegally transporting sand. The petitioner had moved CMP.Nos.71 and 72 of 2024 before the Judicial Magistrate No.I, Sankari, seeking return of the vehicles, which came to be dismissed on 15.04.2024. Hence, the petitioner is before this Court with these Criminal Revision Petitions.

2.The learned counsel for the petitioner contended that the petitioner is the owner of the vehicle viz., Ashok Leyland HGV Tipper 1616 XL Lorry bearing Registration No.TN 47 BB 0579 and No.TN 47-BB-0529 and the vehicles were seized by the Respondent Police on 23.03.2024 in Crime No.122/2024 for an alleged offence punishable under Sections 21(1) and 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 IPC. The said vehicles are kept in the custody of Police in



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open space in the Police Station. If the vehicles were kept in an open space, the value of the same will diminish over the period of time. Therefore he prayed for return of the vehicles.

3.The learned Government Advocate (Crl. side) appearing for the respondent contended that the vehicles were used for illegal transportation of sand and if the vehicles were ordered to be returned, the petitioner may use the vehicle for committing similar offence. Hence, he sought for dismissal of the petition.

4.Considering the submissions of the learned counsel for the petitioner and the learned Government Advocate(Crl.Side), I am of the view that no useful purpose will be served by retention of the vehicles, as it will depreciate and deteriorate the value of the vehicles over a period of time and therefore, is inclined to allow the Revision Petitions.

5.Accordingly, these Criminal Revision Petitions are allowed, the impugned orders in CMP.Nos.71 and 72 of 2024 dated 15.04.2024 passed



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by the learned Judicial Magistrate No.I, Sankari, is set aside and the vehicles shall be returned to the petitioner on the following conditions:

- i. the petitioner shall prove his ownership of the vehicles by producing the R.C.Book and other relevant records;
- ii. the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand Only) for each of the vehicle separately, before the trial Court.
- iii. The petitioner shall deposit a sum of Rs.50,000 (Rupees Fifty Thousand only) for each of the vehicle separately, to the credit of Crime No.122 of 2024 before the trial Court.
- iv. the Court may prepare a panchanama in Judicial Form No.82 with regard to the vehicles bearing Registration No.TN 47 BB 0529 and No.TN 47-BB-0579 and such panchanama can be used in evidence.
- v. the petitioner shall take photograph of the vehicles bearing Registration Nos. No.TN 47 BB 0529 and No.TN 47-BB-0579 and certified under Section 65B of the Central Act 1 of 1972 and such photographs may be used as secondary evidence.



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- vi. the petitioner shall not alienate or encumber the vehicles in any manner;
- vii.the petitioner shall give an undertaking that he will not use the vehicles for any illegal activities in future,
- viii.the petitioner shall also produce the vehicles as and when required before the court below and before the respondent police.

24.05.2024

Index:Yes/No
Speaking/Non speaking order
Tsg

C.SARAVANAN.J.

Tsg

To



Crl.R.C.Nos.885 & 886 of 2024

1.The Judicial Magistrate No.1 Sankari

2.The State by Inspector of Police,
Sankari Police Station,
Salem.
Crime No.122 of 2024

3.The Public Prosecutor,
High Court, Madras.

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