



Crl.R.C.No.2298 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2298 of 2024

Sampath

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Koradachery Police Station,
Thiruvarur District.
Crime NO.160 of 2024.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS, to set aside the order passed in Crl.M.P.No.2454 of 2024 dated 06.08.2024 passed by the learned Judicial Magistrate, Tiruvarur and further direct the respondent to return of the vehicle TN-50-M-3170 Splender Plus Drum.

For Petitioner : Mr.P.Muthamizhselvakumar

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



Crl.R.C.No.2298 of 2024

ORDER

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This Criminal Revision Case has been filed challenging the impugned order, dated 06.08.2024 in Crl.M.P.No.2454 of 2024 passed by the learned Judicial Magistrate, Tiruvarur dismissing the petitioner's petition filed under Section 451 and 457 of Cr.P.C for return of vehicle *viz.*, Splender Plus Drum two wheeler bearing Reg.No.TN-50-M-3170.

2.The petitioner is the owner of the vehicle which is said to have been used by the accused for commission of offence under Sections 430 & 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.160 of 2024 for transporting the river sand in gunny bag illegally. The petitioner had sought for return of the vehicle stating that ever since the date of seizure *i.e.*, on 07.05.2024, the vehicle is kept idle in an open place and exposed to sun and rain. The learned Magistrate dismissed the said petition on the ground that the petitioner had knowingly given his vehicle to the accused and there is nothing on record to show that the petitioner had given a complaint against the accused for taking the vehicle from his possession illegally; and that the



Crl.R.C.No.2298 of 2024

vehicle is liable for confiscation.

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3.The learned counsel for the petitioner would submit that though the seizure was made on 07.05.2024, the confiscation proceedings is yet to be initiated; that the petitioner is admittedly not an accused in this case; that the interim custody of the vehicle may be handed over to the petitioner since from the date of seizure, the vehicle is kept in open space exposed to the vagaries of weather, that further retention of vehicles at the Police Station would make the vehicle unusable, and it would become a scrap; and that the petitioner is ready to comply with any condition that this Court may impose while granting return of vehicle.

4.The learned Government Advocate (Crl. Side) on instructions would submit that the petitioner is not an accused; that no confiscation proceedings have been initiated so far; and that there is no previous case against the petitioner.



5. In the light of the above submissions, this Court is of the view that the vehicle cannot be allowed to be kept idle in the Police Station subject to the vagaries of weather as held by the Hon'ble Supreme Court. Since the petitioner is admittedly an owner of the vehicle, not an accused, the interim custody of the vehicle can be handed over to the petitioner subject to the stringent conditions.

6. Accordingly, the impugned order, dated 06.08.2024 in Crl.M.P.No.2454 of 2024 passed by the learned Judicial Magistrate, Tiruvarur is set aside. The learned Judicial Magistrate, Tiruvarur is directed to return the vehicle viz., Splender Plus Drum two wheeler bearing Reg.No.TN-50-M-3170 to the petitioner on the following conditions:

(i) The petitioner shall execute a bond for sum of Rs.30,000/- (Rupees Thirty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruvarur;

(ii) The petitioner shall produce the original RC Book along with self attested photostat copy of RC Book of the vehicle and other relevant records



Crl.R.C.No.2298 of 2024

to prove his ownership. The learned Magistrate shall peruse the RC book and other records, retain xerox copy of the same and return the original RC book to the petitioner;

(iii)The petitioner shall not alter or alienate the vehicle in any manner;

(iv)The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent Police and by the Court below.

7.In the result, this criminal revision case stands allowed. It is made clear that the above return of vehicle is subject to the outcome of the confiscation proceedings if any initiated.

13.12.2024

Index:Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No

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Crl.R.C.No.2298 of 2024

SUNDER MOHAN, J.

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To

- 1.The Judicial Magistrate,
Tiruvarur.
- 2.The Inspector of Police,
Koradachery Police Station,
Thiruvarur District.
- 3.The Public Prosecutor,
Madras High Court.

Crl.R.C.No.2298 of 2024

13.12.2024