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Crl.R.C.No.2214 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2214 of 2024

Ramalingam

...

Petitioner

Vs.

The Inspector of Police
Mayiladuthurai Police Station,
Mayiladuthurai District
(CRIME NO.288 of 2024)

...

Respondent

Prayer: Criminal Revision Petition filed under Sections 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the records and to set aside the Order in Cr.M.P.No.4070 of 2024 dated 11.11.2024 on the file of Judicial Magistrate No.1, Mayiladuthurai and return the vehicle “Ashok Leyland Lorry Vehicle Registration No.TN05 P 2248” to the petitioner.

For Petitioner : Mr.S.Varanesh

For Respondent : Mr.S.Udaya Kumar
Govt. Advocate (Crl.side)



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ORDER

WEB COPY The Revision challenges the dismissal of the petitioner's application filed under Section 497 & 503 of BNSS, to return his vehicle “Ashok Leyland Lorry” bearing Regn.No.TN 05 P 2248.

2. The petitioner is the owner of the aforesaid vehicle and it is the case of the respondent that the said vehicle was involved in transporting river sand illegally and that the petitioner is also an accused. The petitioner sought for return of the property before the learned Judicial Magistrate No.I, Mayiladuthurai. The learned Magistrate dismissed the petition stating that the petitioner has committed serious offence and therefore, he is not entitled to return of the property.

3. The learned counsel for petitioner would submit that no confiscation proceedings have been initiated and that the petitioner's vehicle is kept idle in the police station from the date of seizure, namely 29.05.2024 and subjected to vagaries of the weather, which would diminish its value and therefore, the petitioner may be permitted to take return of the lorry and undertook to abide by any stringent conditions imposed by this Court.



4. The learned Government Advocate (crl.side), on instructions, submitted that the respondent are yet to take steps to initiate confiscation proceedings.

5. Heard the learned counsel appearing for the petitioner as well as the Government Advocate (crl.side) and perused the records.

6. On perusal of the records, it is seen that the lorry was seized on 29.05.2024 and it is kept in the police station in an open place, subject to the vagaries of weather. The value of the lorry would therefore diminish, and the Hon'ble Supreme Court had held in such cases that the vehicle can be returned to the owner who is entitled to proper custody on conditions. Hence, this Court is of the view that the car be returned to the petitioner.

7. Accordingly, this **Criminal Revision Case is allowed** and the impugned order dated 11.11.2024 passed by the learned Judicial Magistrate No.I, Mayiladuthurai, in Crl.M.P.No.4070 of 2024 is set aside. In view of the same, the respondent is directed to return the vehicle bearing Reg.No.TN05 P 2248 to the petitioner on the following conditions:



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(i) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Mayiladuthurai ;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned Judicial Magistrate No.I, Mayiladuthurai shall peruse the RC book and other records, retain a 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 and by the court below.

(v) The return of property would be subject to the result of the confiscation proceedings, if any.

06.12.2024

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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SUNDER MOHAN, J.

rgr

To

1.The Judicial Magistrate No.1,
Mayiladuthurai.

2.The Inspector of Police
Mayiladuthurai Police Station,
Mayiladuthurai District

3.The Public Prosecutor,
High Court, Madras.

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