



Crl.R.C.No.2111 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2111 of 2024

S.Manjula

... Petitioner

Vs.

The State
Rep. by the Inspector of Police,
Gudimangalam Police Station,
Tiruppur District.
(Crime No.304 of 2024).

...Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to call for the records in Crl.M.P.No.2462 of 2024 dated 14.11.2024 on the file of the the Judicial Magistrate-II (FAC), Udumalaipet District, and direct the respondent to return the vehicle bearing Regn.No.TN99-AE-1575, colour SPEED BLUE, seized by the respondent connected with the Crime No.304 of 2024 (on the file of the respondent).

For Petitioner : Mr.V.Marudhachalam

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



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ORDER

The petitioner aggrieved by the dismissal of her petition filed under Section 503 of BNSS, for return of her TATA Tipper Lorry bearing Regn.No.TN99-AE-1575 which was seized during the investigation in Crime No.304 of 2024 for the offences under Sections 303 (2) of BNS r/w 21(1) of Mines and Minerals Development and Regulation Act, 1957, has filed this present revision.

2. The petitioner is the owner of the TATA Tipper Lorry bearing Regn.No.TN99 AE 1575. The allegation against the petitioner is that she had transported 5 units of boulders without valid permission from the Government and therefore, she is guilty of the offence under Sections 303 (2) of BNS r/w 21(1) of Mines and Minerals Development and Regulation Act, 1957. During the course of the investigation, the respondent seized the lorry of the petitioner along with the boulders under seizure mahazar. The petitioner therefore filed a petition for return of the lorry stating that ever



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since the date of seizure i.e., on 26.09.2024, the vehicle is kept in the police station in an open place and thereby the value of the vehicle is diminishing

and if the vehicle is not returned, it would be reduced to a scrap. The said petition was dismissed by the learned Magistrate. Hence, this revision.

3. The learned counsel for the petitioner submitted that the vehicle is kept in open space exposed to the vagaries of weather, further retention of vehicles at the police station would make the vehicles unusable, and it would become a scrap; that the petitioner is ready to comply with any condition that this Court may impose while granting return of vehicle; and hence, prayed for return of the vehicle.

4. The learned Government Advocate (Crl.Side), for the respondent on instructions, would submit that the seizure was made during the course of the investigation and that confiscation proceedings have not been initiated. The respondent had also filed a counter to the said effect.



5. In the light of the above submissions, this Court is of the view that the vehicle cannot be kept idle in an open space and its value cannot be allowed to be diminished as held by the Hon'ble Supreme Court. The petitioner is the owner of the vehicle and therefore, she is the proper person entitled to the custody of the vehicle.

6. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 14.11.2024 passed by the learned Judicial Magistrate No.II (FAC), Udumalaipet District, in Crl.M.P.No.2462 of 2024 in Crime No.304 of 2024 is set aside. In view of the same, the respondent is directed to return the vehicle viz., TATA Tipper Lorry bearing Reg. No.TN99 AE 1575 to the petitioner on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with two sureties for a likesum to the satisfaction of the learned learned Judicial Magistrate No.II (FAC), Udumalaipet District;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of



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the vehicle and other relevant records to prove her ownership. The learned Judicial Magistrate No.II (FAC), Udumalaipet District, 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 she 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.

03.12.2024

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

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Note: Issue Order copy by 04.12.2024.



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To

1.The Judicial Magistrate No.II (FAC),
Udumalaipet District,

2.The Inspector of Police,
Gudimangalam Police Station,
Tiruppur District.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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