



Crl.R.C.No.2301 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2301 of 2024

Selladurai

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Vaippar Police Station.
(Cr.No.71 of 2024).

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS, to call for records and set aside the impugned order passed by the learned Judicial Magistrate at Tiruvarur in Crl.M.P.No.2876 of 2024 dated 08.08.2024 and direct the respondent Police to release the vehicle bearing Registration No.TN 51 M 6726 having Chassis No.MBIG3DYC8BRXE0488 in Engine No.XHB682418.

For Petitioner : Mr.V.Johnson Yuvaraj

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



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ORDER

This Criminal Revision Case has been filed challenging the impugned order, dated 08.08.2024 in Crl.M.P.No.2876 of 2024 passed by the learned Judicial Magistrate, Tiruvarur dismissing the petitioner's petition filed under Sections 497 and 503 of BNSS for return of vehicle viz., Ashok Leyland (Four Wheeler) bearing Reg.No.TN-51-M-6726.

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 379 & 430 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.71 of 2024 for transporting three units of river sand. The petitioner had sought for return of the vehicle stating that ever since the date of seizure *i.e.*, on 29.05.2024, 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 is likely to commit similar offence; and that the vehicle is liable for confiscation.

3.The learned counsel for the petitioner would submit that though the



seizure was made on 29.05.2024, 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 has no previous cases; and that no confiscation proceedings have been initiated so far.

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, the interim custody of the vehicle can be handed over to the petitioner subject to the stringent conditions.



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6. Accordingly, the impugned order, dated 08.08.2024 in CrI.M.P.No.2876 of 2024 passed by the learned Judicial Magistrate, Tiruvarur is set aside. The learned Judicial Magistrate, Tiruvarur is directed to return the vehicle viz., Ashok Leyland (Four Wheeler) bearing Reg.No.TN-51-M-6726 to the petitioner on the following conditions:

(i) The petitioner shall execute a bond for sum of Rs.5,00,000/- (Rupees Five Lakh 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 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.



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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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To

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

SUNDER MOHAN, J.

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