



Crl.R.C.No.2286 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.2286 of 2024

S.Saravanakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Amaravathi Police Station,
Tiruppur District.
(Crime No.28 of 2024)

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS, to set aside the order dated 05.11.2024 made in Crl.M.P.No.2880 of 2024 on the file of the learned Judicial Magistrate No.I, Udumalpet at Tiruppur District by allowing this petition.

For Petitioner : Mr.S.Magesh Kumar

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



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ORDER

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This Criminal Revision Case has been filed challenging the impugned order, dated 05.11.2024 in Crl.M.P.No.2880 of 2023 passed by the learned Judicial Magistrate No.I, Udumalpet dismissing the petitioner's petition filed under Section 497 of BNSS for return of tipper lorry (Yellow and Grey Colour) bearing Reg.No.KL-68-A-2780.

2.The petitioner is an accused in Crime No.28 of 2024 registered for the offence under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 for transporting three units of gravel stone. The petitioner sought for return of his vehicle which was seized during the investigation stating that ever since the date of seizure *i.e.*, on 01.03.2024, the vehicle is kept idle 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 learned Magistrate dismissed the said petition on the ground that it would not be in the interest of justice to hand over the interim custody of the lorry to the petitioner.



3.The learned counsel for the petitioner would submit that though the seizure was made on 01.03.2024, the confiscation proceedings is yet to be initiated; that the petitioner is innocent and there is no previous case against him; 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, 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 vehicle was seized during the course of investigation; 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



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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.

6. Accordingly, the impugned order, dated 05.11.2024 in Crl.M.P.No.2880 of 2024 passed by the learned Judicial Magistrate No.I, Udumalpet is set aside. The learned Judicial Magistrate No.I, Udumalpet is directed to return the tipper lorry (Yellow and Grey Colour) bearing Reg.No.KL-68-A-2780 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 No.I, Udumalpet;

(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 her 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;



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(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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To

1.The Judicial Magistrate No.I,
Udumalpet.

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

3.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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