



Crl.R.C.(MD)No.167 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.167 of 2024

Jeyabal Raj

... Petitioner

Vs.

The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.396 of 2023)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the order made in Crl.M.P.No.31 of 2024 dated 24.01.2024 on the file of the Principal District and Sessions Court, Karur and to set aside the same.

For Petitioner : Mr.V.Vishnu

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.31 of 2024 in Crime No.396 of 2023 dated 24.01.2024 on



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the file of the Principal District and Sessions Court, Karur, dismissing the petition filed under Section 451 Cr.P.C.

2.The petitioner claims to be the owner of Ashok Leyland Lorry bearing Registration No.TN-52-B-3790. On 27.07.2023, the respondent police has registered a case in Crime No.396 of 2023 for the offences under Section 379 IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle bearing Registration No.TN-52-B-3790 for the alleged illegal transportation of river sand.

3.It is not in dispute that the petitioner has approached the learned Principal District and Sessions Court, Karur for returning of the said vehicle in Crl.M.P.No.31 of 2024 and the learned Sessions Judge, vide order dated 24.01.2024, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



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4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the owner of the vehicle, that the petitioner is the fifth accused, that the petitioner was not having any previous cases and that the said vehicle was not involved in any other cases.

6.The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-52-B-3790 is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, that the vehicle is with the police for the past one year, that if the vehicle is kept in open place, the value of the said vehicle will get deteriorated and that therefore interim custody may be granted to the petitioner.



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7.Considering the facts and circumstances of the case and also the fact that if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 24.01.2024 passed in Crl.M.P.No.31 of 2024, by the learned Principal District and Sessions Court, Karur.

8.Accordingly, this Criminal Revision Petition is allowed and the order dated 24.01.2024 passed in Crl.M.P.No.31 of 2024 by the learned Principal District and Sessions Court, Karur, is hereby set aside and the vehicle/Ashok Leyland Lorry bearing Registration No.TN-52-B-3790, is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

- (a) the petitioner is directed to deposit a sum of **Rs.25,000/-** **(Rupees Twenty Five Thousand only)** as non-refundable deposit for the said vehicle to the credit of the District Mineral Foundation Trust, Karur District;



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- (b) the petitioner shall execute a bond for a sum of **Rs.3,50,000/-** (Rupees Three Lakhs Fifty Thousand only), with two sureties for a likesum to the satisfaction of the learned Principal District and Sessions Court, Karur;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Principal District and Sessions Court, Karur;
- (d) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (e) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

24.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

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To

- 1.The Principal District and Sessions Court, Karur
- 2.The Inspector of Police,
Kulithalai Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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