



Crl.R.C.(MD)No.269 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.06.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.269 of 2024

Navaskan

... Petitioner

Vs.

The State,
Rep. By the Sub-Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the order dated 16.02.2024 passed by the learned District Munsif-Cum-Judicial Magistrate, Orathanadu, Thanjavur District in Crl.M.P.No.608 of 2024 and set aside the same by allowing the above Criminal Revision petition and further direct the respondent police to return the seized vehicle bearing registration No.TN36 Y 4483 Tipper Lorry to the revision petitioner.

For Petitioner	: Mr.B.Anandan
For Respondent	: Mr.M.Muthumanikkam
	Government Advocate (Crl.Side)



Crl.R.C.(MD)No.269 of 2024

ORDER

WEB COPY

The Criminal Revision Case has been filed to call for the records pertaining to the order dated 16.02.2024 passed by the learned District Munsif-Cum-Judicial Magistrate, Orathanadu, Thanjavur District in Crl.M.P.No.608 of 2024 and set aside the same and further direct the respondent police to return the seized vehicle bearing registration No.TN36 Y 4483 Tipper Lorry to the revision petitioner.

2. The petitioner claims to be the owner of the vehicle/Tipper bearing Reg.No.TN-36-Y-4483. On 21.11.2023, the respondent Police intercepted the vehicle/Tipper bearing Reg.No. TN-36-Y-4483 and seized the vehicle as the same was used for transporting of sand illegally without any valid licence or permit and registered a case in Crime No.710 of 2023 for the offences under Section 379 I.P.C r/w 21(1) of Mines and Minerals Act, 1957.

3. It is not in dispute that the petitioner has approached the learned District Munsif-Cum-Judicial Magistrate, Orathanadu, Thanjavur District, for returning of the said vehicle in Crl.M.P.No.608 of 2024 and the learned District Munsif-Cum-Judicial Magistrate, Orathanadu, Thanjavur District, vide order



Crl.R.C.(MD)No.269 of 2024

dated 16.02.2024, has dismissed the petition stating that the confiscation proceedings was initiated. Challenging the same, the above Criminal Revision came to be filed before this Court.

4. The learned Counsel for the petitioner submits that the offences itself is not maintainable against the owner/petitioner and seeks interim custody of the vehicle kept in the custody and he also relied the judgment as follows:-

i)G.Arun Prasanna Vs. Elango and others in Crl.R.C.Nos. 295 & 296 of 2014;and

ii)Ginjala Naga Appala Raju Vs. State rep. by its the Inspector of Police in Crl.R.C.No.73 of 2022;

5. Heard, the learned Government Advocate (Crl.Side) and also perused the materials available on record.

6. This Court considered the rival submissions and also perused the records and the impugned order.



WEB COPY



Crl.R.C.(MD)No.269 of 2024

(ii) on such deposit the petitioner shall execute a bond to the value of the vehicle mentioned in the insurance certificate existed on the date of occurrence before the learned District Munsif-Cum-Judicial Magistrate, Orathanadu, Thanjavur District,

(iii) the petitioner shall file an affidavit with specific undertaking that they shall not involve in any similar or any other offence and vehicle also will not be used in any illegal purpose;

(iv) the photograph of the vehicles is to be taken properly and the petitioner shall produce their vehicles as and when required by the Courts below;

(v) the petitioner shall not alienate the vehicle till the disposal of confiscation proceeding;

(vi) the investigating agency shall initiate the confiscation proceedings within a period of 10 days from the date of receipt of a copy of this order before the Courts below and the Courts below shall dispose the same within a period of six months thereafter; and



Crl.R.C.(MD)No.269 of 2024

WEB COPY

(vii) the petitioner shall co-operate with the trial Court to complete the confiscation proceedings.

9. Post the matter on 30.07.2024 for reporting compliance.

07.06.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
tta

To

1. The District Munsif-Cum-Judicial Magistrate,
Orathanadu,
Thanjavur District.
2. The Sub-Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.R.C.(MD)No.269 of 2024

K.K.RAMAKRISHNAN, J.

tta

Crl.R.C.(MD)No.269 of 2024

07.06.2024