



Crl.R.C.(MD) No.507 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.05.2024

CORAM :

THE HONOURABLE MRS. JUSTICE S. SRIMATHY

Crl.R.C. (MD) No.507 of 2024

Manivel ...Petitioner/Petitioner/
Owner of the Vehicle

Vs

The Inspector of Police,
Valanadu Police Station,
Trichy District.
(Crime No.41 of 2024) ...Respondent/Respondent/
Defacto complainant

Prayer : Criminal Revision Case filed under Section 397 read with Section 401 of Criminal Procedure Code to call for the records pertaining to the order dated 29.04.2024 made in Cr.M.P.No.2347 of 2024 on the file of the Judicial Magistrate, Manapparai and set aside the same as illegal.

For Petitioner : Mr.T.Vadivelan

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

This criminal revision case is filed to set aside the order dated 29.04.2024 made in Cr.M.P.No. 2347 of 2024 on the file of the learned Judicial Magistrate, Manapparai.

2. The petitioner submits that he is the owner of a Tipper Lorry bearing Reg.No.TN 46 M 0765. The same has been registered in his name. The said vehicle is duly insured. He submits that he is using the lorry for his personal work and agricultural work. From the income derived from plying this lorry, he is eking out his livelihood and he has no other source of income. While so on 25.03.2024, the said vehicle was involved in carrying gravel sand without any valid permit. Therefore, the respondent police registered a case in Crime No.41 of 2024 for the offence punishable under Section 379 of IPC read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and thereafter, the said vehicle is in the custody of the Court. Now, the



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vehicle is under the custody of the respondent police on behalf of the Court. In this circumstances, he filed a petition for return of his vehicle before the learned Judicial Magistrate, Manapparai in Cr.M.P.No. 2347 of 2024 and the same was dismissed on 29.04.2024. Therefore, the present revision.

3. Learned counsel for the petitioner submits that the petitioner is eking out his livelihood only from the income derived by plying the vehicle and he has no other source of income to maintain himself and his family. He also submits that if the vehicle is not released, the petitioner will be put to great prejudice and seeks for allowing this petition.

4. Learned Additional Public Prosecutor appearing for the respondent police submits that the petitioner has illegally transported gravel sand and if the vehicle is released, there is a chance of alter, damage and sale of the vehicle to 3rd parties and objects for release of the vehicle.



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5. Considering the submissions on either side and also the facts of the case, this Court is inclined to allow this criminal revision case on condition that the petitioner shall deposit a sum of Rs.15,000/- (Fifteen Thousand Rupees only) to the credit of Cr.M.P.No.2347 of 2024 on the file of the learned Judicial Magistrate, Manapparai, within a period of two weeks from the date of receipt of a copy of this order. On such deposit, the vehicle bearing Reg.No.TN 46 M 0765 shall be released and handed over to the petitioner.

6. With the above directions, this Criminal Revision case is allowed.

23.05.2024

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

ABR



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- To
1. The Judicial Magistrate,
Manapparai.
 2. The Inspector of Police,
Valanadu Police Station,
Trichy District.
(Crime No.41 of 2024)



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S. SRIMATHY, J.

ABR

ORDER

IN

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