



Crl.R.C.(MD)No.633 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 15.11.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE P.VADAMALAI**

**Crl.R.C(MD)No.633 of 2024**

Palaniyammal

... Petitioner

Vs.

The State rep. by  
The Inspector of Police,  
Srirangam Police Station [L & O],  
Trichy City.  
(Crime No.356 of 2024)

... Respondent

**PRAYER :** Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., to set aside the order in Cr.M.P.No.1483 of 2024 on the file of the District Munsif-cum-Judicial Magistrate, Srirangam, Trichy District, dated 17.05.2024 and allow the above Criminal Revision Petition.

For Petitioner : Mr.S.Sathyachidambaram

For Respondent : Mr.Vaikkam Karunanidhi  
Government Advocate (Crl. Side)



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**ORDER**

The Criminal Revision Case is filed to set aside the order in Cr.M.P.No.1483 of 2024 on the file of the District Munsif-cum-Judicial Magistrate, Srirangam, Trichy District, dated 17.05.2024.

2. The petitioner claims to be the owner of the Tipper lorry bearing Registration No.TN-72-CC-1283. On 13.04.2024 at about 17.00 hours, the respondent police seized the vehicle on the ground that the vehicle was used for transporting illegal river sand without any valid license or permit, and registered a case in Crime No.356 of 2024 for the offence under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act.

3. It is not in dispute that the petitioner has approached the learned District Munsif-cum-Judicial Magistrate, Srirangam by filing a petition for the return of vehicle bearing Registration No.TN-72-CC-1283 in Crl.M.P.No.1483 of 2024, and the learned District Munsif-cum-Judicial Magistrate, Srirangam vide his order, dated



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17.05.2024, has dismissed the said petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

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

5. The learned counsel appearing for the petitioner would submit that the vehicle bearing Reg.No.TN-72-CC-1283 is owned by the petitioner, and that the said vehicle has no connection whatever with the alleged occurrence, and that the vehicle is with the police for the past seven months, and 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.

6. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the vehicle was used for transporting illegal river sand, and the petitioner is the owner of the vehicle. He would further submit that the confiscation proceeding has not been initiated.



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7. In this case, the vehicle was seized on 13.04.2024. The vehicle is keeping in the open place from 13.04.2024 onwards. Further, 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. Considering the over all facts and circumstances of the case, this Court is inclined to allow this revision by following the principle of law laid down by the Honourable Supreme Court, in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat [2002 (10) SCC 283]***.

8. Accordingly, this Criminal Revision Case is allowed, and the order, dated 17.05.2024 passed in Cr.M.P.No.1483 of 2024 by the learned District Munsif-cum-Judicial Magistrate, Srirangam, is hereby set aside and the vehicle Ashok Leyland tipper lorry bearing Reg.No.TN-72-CC-1283, 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:



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(i) the petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** as non-refundable deposit for the said vehicle to the credit of the District Mineral Foundation Trust, Trichy District;

(ii) On such deposit, the petitioner shall execute a bond for a sum of **Rs.6,00,000/- (Rupees Six Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Srirangam;

(iii) the vehicle shall be photographed in different angle and the engine and chassis number shall also be photographed in the presence of the Head Clerk of the learned District Munsif-cum-Judicial Magistrate, Srirangam at the cost of the petitioner and the petitioner's signature to be obtained in the backside of the photographs, and the said photographs and CD shall be kept in the case bundle for the purpose of marking them as material objects during trial;

(iv) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned District Munsif-cum-Judicial Magistrate, Srirangam;



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(v) the petitioner shall not alienate and shall not alternate the physical features of the vehicle till the disposal of the case;

(vi) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

**19.11.2024**

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

To

- 1.The District Munsif-cum-Judicial Magistrate,  
Srirangam,  
Trichy District.
- 2.The Inspector of Police,  
Srirangam Police Station [L & O],  
Trichy City.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**P.VADAMALAI, J.**

VSD

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