



Crl.R.C.(MD)No.757 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.757 of 2024

Nagarajan

... Petitioner

Vs.

State rep. by
Inspector of Police,
Cholapuram Police Station,
Thanjavur District.
(Crime No.251 of 2024)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records relating to the order made in Crl.M.P.No. 1788 of 2024 dated 26.07.2024 on the file of the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, set aside the same and consequentially direct the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur to return the Ashok Leyland Tipper Lorry (Yellow Colour) bearing Reg.No.TN-32-AV-4891 to the petitioner herein.

For Petitioner : Mr.A.N.Ramanathan

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



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ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.1788 of 2024 dated 26.07.2024 on the file of the District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, dismissing the petition filed under Sections 451 and 457 Cr.P.C.

2. The petitioner claims to be the owner of Ashok Leyland Tipper Lorry bearing Registration No.TN-32-AV-4891. On 29.04.2024, the respondent police has registered a case in Crime No.251 of 2024 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-32-AV-4891 for the alleged illegal transportation of savadu sand.

3. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur for returning of the said vehicle in Crl.M.P.No.1788 of 2024 and the learned Judicial Magistrate, vide order dated 26.07.2024, has dismissed the



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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 (Criminal Side) appearing for the respondent.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is not having any previous cases for similar offence 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-32-AV-4891 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 four months, 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 26.07.2024 passed in Crl.M.P.No.1788 of 2024, by the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 26.07.2024 passed in Crl.M.P.No.1788 of 2024 by the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, is hereby set aside and the vehicle/Tipper Lorry bearing Registration No.TN-32-AV-4891, is ordered to be returned to the petitioner for interim custody forthwith 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, Thanjavur District;



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- (b) the petitioner shall execute a bond for a sum of **Rs.3,00,000/- (Rupees Three Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur;
- (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;

12.08.2024

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

To

- 1.The District Munsif cum Judicial Magistrate,
Thiruvidadaimaruthur.
- 2.The Inspector of Police,
Cholapuram Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
CrI.R.C.(MD)No.757 of 2024

Dated: 12.08.2024