



Crl.R.C.(MD)No.762 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.08.2024

Pronounced on : 13.09.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.762 of 2024

Maharajan

... Petitioner

Vs.

The State through its
Sub Inspector of Police,
Sathankulam Police Station,
(Crime No.64 of 2024)

... Respondent

Prayer : This Criminal Revision Petition filed under Sections 438 r/w 442 B.N.S.S., to call for records relating to the order passed by the learned Judicial Magistrate, Sathankulam in Crl.M.P.No.2719 of 2024 dated 24.05.2024 and set aside the same.

For Petitioner : Mr.T.A.Ebenezer

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.2719 of 2024 dated 24.05.2024 on the file of the Judicial



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Magistrate, Sathankulam, dismissing the petition filed under Section 451 of the Code of Criminal Procedure.

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2. The petitioner claims to be the owner of Eicher Tipper Lorry bearing Registration No.TN-92-F-1392. On 27.03.2024, the respondent police has registered a case in Crime No.64 of 2024 for the offence under Section 379 IPC and seized the above said vehicle bearing Registration No.TN-92-F-1392 for the alleged illegal transportation of M-sand.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Sathankulam for returning of the said vehicle in Crl.M.P.No.2719 of 2024 and the learned Judicial Magistrate, vide order dated 24.05.2024, has dismissed the 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.



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5. The petitioner, in the affidavit filed in support of the petition filed under Section 451 Cr.P.C. before the learned Magistrate, has specifically stated that the petitioner's vehicle was alleged to have been involved in the case in Crime No.161 of 2021 on the file of Nazareth Police Station which came to be registered against the petitioner and his driver and that the petitioner has moved the petition in Cr.M.P.No.4426 of 2021 before the Principal Sessions Court, Thoothukudi under Section 451 Cr.P.C. to return the said vehicle and the same was ordered to be released by conditional order dated 22.10.2021.

6. 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 not an accused in the case on hand and that since the petitioner has violated the conditions imposed by the Principal Sessions Court, Thoothukudi in the order passed in Cr.M.P.No.4426 of 2021, the learned Magistrate has rightly dismissed the petition.

7. The learned counsel appearing for the petitioner would submit that the vehicle was involved in the occurrence without his knowledge,



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that his worker had taken the vehicle and allegedly used the same for transportation of sand and that the petitioner is ready to comply with the conditions to be imposed by this Court.

8. The learned Government Advocate (Criminal Side) appearing for the respondent has also produced the copy of the order passed in Cr.M.P.No.4426 of 2021 dated 22.10.2021 by the learned Principal Sessions Judge, Thoothukudi, wherein, the petitioner has moved a petition under Section 451 Cr.P.C. for return of the vehicle Tipper Lorry bearing Registration No.TN-92-F-1392 for interim custody and the learned Principal Sessions Judge has passed an order for returning of the vehicle by imposing conditions in which condition No.(iv) is extracted hereunder:-

“(iv) the petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future”

9. As already pointed out, the petitioner, in the criminal revision case, has specifically stated that as per the order passed in Cr.M.P.No.4426 of 2021, he has given an undertaking that he would not use the vehicle for illegal activities in future and on that basis, got the vehicle back.



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10. As already pointed out, the only contention of the petitioner is that his vehicle was involved in the present occurrence without his knowledge as the same was taken by his driver. But as rightly observed by the learned Magistrate, the petitioner has not preferred any complaint against his worker for taking his vehicle without his consent and knowledge and in the absence of any such complaint, the contention of the petitioner is very hard to believe.

11. Since the petitioner has violated the condition imposed by the learned Principal Sessions Judge and used the vehicle for illegal transportation of sand, the impugned order of the learned Magistrate dismissing the petition, cannot be found fault with. Hence, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

12. In the result, the Criminal Revision Case is dismissed.

13.09.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



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K.MURALI SHANKAR,J.

csn

To

1. The Judicial Magistrate,
Sathankulam.
- 2.The Sub Inspector of Police,
Sathankulam Police Station,
Thoothukudi.

Pre-Delivery Order made in
Crl.R.C.(MD)No.762 of 2024

Dated : 13.09.2024