



Crl.R.C.(MD)No.789 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 05.09.2024

Pronounced on : 13.09.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.789 of 2024

Sampath

... Petitioner

Vs.

The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.201 of 2024)

... Respondent

Prayer : This Criminal Revision Petition filed under Sections 438 r/w 442 B.N.S.S., to call for the records pertaining to the order made in Crl.M.P.No.394 of 2024 dated 05.08.2024 in Crime No.201 of 2024 on the file of learned Judicial Magistrate No.2, Kulithalai to set aside the same and to consequently grant interim custody of vehicle bearing Registration No.TN-59-BK-1554.

For Petitioner : Mr.V.Vishnu

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.394 of 2024 dated 05.08.2024 on the file of the Judicial Magistrate No.II, Kulithalai, dismissing the petition filed under Section 497 B.N.S.S.

2. The petitioner claims to be the owner of Ashok Leyland Tipper Lorry bearing Registration No.TN-59-BK-1554. On 21.03.2024, the respondent police has registered a case in Crime No.201 of 2024 for the offences under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and seized the above said vehicle bearing Registration No.TN-59-BK-1554 for the alleged illegal transportation of river sand.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.II, Kulithalai for returning of the said vehicle in Crl.M.P.No.394 of 2024 and the learned Judicial Magistrate, vide order dated 05.08.2024, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



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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's vehicle was earlier involved in a similar case in Crime No.166 of 2019 on the file of Thuvarangurichi Police Station, that the vehicle's earlier owner one Selvi has filed a petition in Cr.M.P.No.4928 of 2019 before the Principal Sessions Court, Tiruchirappalli for return of the said vehicle under Sections 451 and 457 Cr.P.C. and the learned Principal Sessions Judge has passed an order dated 19.10.2019 for releasing the vehicle by imposing conditions and that the earlier owner, by violating the condition, has sold the vehicle to the present petitioner and in violation of another condition, the vehicle was used for the similar offence subsequently.

6. The learned Government Advocate (Criminal Side) appearing for the respondent has also produced the copy of the order passed in Cr.M.P.No.4928 of 2019 dated 19.10.2019. It is evident from the said



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order that the learned Principal Sessions Judge has imposed conditions for releasing the vehicle, in which condition Nos.3 and 4 are extracted hereunder:-

“3.that the petitioner shall file an affidavit of understanding that, he shall not involve in any offence in future that may lead to the seizure of the vehicle in question.

4.that the petitioner shall not alienate/encumber or alter the vehicle in question till the proceedings are completed.”

7. As rightly contended by the learned Government Advocate (Criminal Side), the earlier owner Selvi, by violating the specific condition imposed by the learned Principal Sessions Judge that the vehicle shall not be alienated/encumbered, sold the vehicle to the present petitioner, when the earlier proceedings are still pending. Though the earlier owner has filed an undertaking affidavit that the vehicle will not be involved in any offence that may lead to seizure of the vehicle in question, the said vehicle has been used for illegal transportation of sand and on that basis, the present case came to be registered and the vehicle came to be seized.



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8. It is pertinent to note that the petitioner has completely suppressed the earlier seizure of the vehicle and the order passed by the learned Principal Sessions Judge, Tiruchirappalli. No doubt, the learned counsel appearing for the petitioner has attempted to give an explanation that the petitioner was not aware of the proceedings. As rightly pointed out by the learned Government Advocate (Criminal Side), the earlier owner has produced all the documents pertaining to the ownership of the seized vehicle including the Registration Certificate before the Judicial Magistrate, Manapparai and only on that basis, the vehicle was ordered to be handed over to the earlier owner. In that fact situation, the contention of the petitioner that he was not aware of the earlier proceedings is very hard to believe.

9. Considering the violations above referred, this Court has no hesitation to hold that the petitioner is not entitled to get the relief and the impugned order 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.



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

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

To

1. The Judicial Magistrate No.2,
Kulithalai.

2.The Inspector of Police,
Kulithalai Police Station,
Karur District.



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K.MURALI SHANKAR,J.

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**Pre-Delivery Order made in
Crl.R.C.(MD)No.789 of 2024**

Dated : 13.09.2024