



Crl.R.C.(MD)No.819 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.819 of 2024

Balakumar

... Petitioner

Vs.

1.Balakumar

2.Jayasurya

3.Surya

4.Ajith

5.The Inspector of Police,
Thottiyam Police Station,
Trichy District.
(Crime No.111 of 2024)

... Respondents

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the entire records pertaining to the order passed by the learned District Munsif cum Judicial Magistrate, Thottiyam in Crl.M.P.No.955 of 2024 vide order dated 23.07.2024 and set aside and consequently direct the learned District Munsif cum Judicial Magistrate, Thottiyam to return the petitioner's Ashok Leyland Dost bearing its Registration No.TN-47-AD-6501 in connection with the case in Crime No.111 of 2024 on the file of the fifth respondent Police.



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For Petitioner : Mr.K.Arunraj
For R5 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.955 of 2024 in Crime No.111 of 2024 dated 23.07.2024 on the file of the District Munsif cum Judicial Magistrate, Thottiyam, dismissing the petition filed under Section 451 & 457 Cr.P.C.

2.The petitioner claims to be the owner of Ashok Leyland Dost bearing Registration No.TN-47-AD-6501. On 26.04.2024, the respondent police has registered a case in Crime No.111 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-47-AD-6501 for the alleged illegal transportation of river sand.

3.It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Thottiyam, for returning of the



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said vehicle in Crl.M.P.No. 955 of 2024 and the learned Judicial Magistrate, vide order dated 23.07.2024, 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 fifth respondent.

5.The learned Government Advocate (Criminal Side) appearing for the fifth respondent would submit that the petitioner is the owner of the vehicle, that the petitioner is the first accused, that the petitioner is not having any previous case 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-47-AD-6501 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 two



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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.

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 23.07.2024 passed in Crl.M.P.No.955 of 2024, by the learned District Munsif cum Judicial Magistrate, Thottiyam.

8.Accordingly, this Criminal Revision Petition is allowed and the order dated 23.07.2024 passed in Crl.M.P.No.955 of 2024 by the learned District Munsif cum Judicial Magistrate, Thottiyam, is hereby set aside and the vehicle/Tractor bearing Registration No.TN-47-AD-6501, 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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- (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, Trichy District;
- (b) the petitioner shall execute a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thottiyam;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned District Munsif cum Judicial Magistrate, Thottiyam;
- (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;

29.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

gns

To

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

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