



Crl.R.C.(MD)No.812 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2024

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.812 of 2024

Rajendran

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Musiri Police Station,
Trichy District.
(Crime No.152 of 2024)

... Respondent

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 Judicial Magistrate, Musiri in Crl.M.P.No.2657 of 2024 vide order dated 08.08.2024 and quash the same and consequently, direct the above said learned Judicial Magistrate, Musiri to return the petitioner's JCB bearing its registration number TN-48-AD-2521 and Tipper lorry bearing its registration number TN-38-BC-2908 in connection with the case in Crime No.152 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.Deepan Chakravarthi

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.2657 of 2024 dated 08.08.2024 on the file of the Judicial Magistrate, Musiri, dismissing the petition filed under Section 457 Cr.P.C.

2. The petitioner claims to be the owner of JCB bearing Registration No.TN-48-AD-2521 and Tipper lorry bearing Registration No.TN-38-BC-2908. On 07.06.2024, the respondent police has registered a case in Crime No.152 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 vehicles bearing Registration Nos.TN-48-AD-2521 and TN-38-BC-2908 for the alleged illegal transportation of red sand.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Musiri for returning of the said vehicles in Crl.M.P.No.2657 of 2024 and the learned Judicial Magistrate, vide order



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dated 08.08.2024, 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.

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 vehicles were not involved in any other cases.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration Nos.TN-48-AD-2521 and TN-38-BC-2908 are owned by the petitioner, that the said vehicles have no connection whatever with the alleged occurrence, that the vehicles are with the police, that if the vehicles are kept in open place, the value of the said vehicles 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 vehicles are kept in open place exposing to sun and rain, the value of the vehicles will be deteriorated and no purpose will be served in keeping the vehicles in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 08.08.2024 passed in Crl.M.P.No.2657 of 2024, by the learned Judicial Magistrate, Musiri.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 08.08.2024 passed in Crl.M.P.No.2657 of 2024 by the learned Judicial Magistrate, Musiri, is hereby set aside and the vehicles/JCB bearing Registration No.TN-48-AD-2521 and Tipper lorry bearing Registration No.TN-38-BC-2908, are 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) for each vehicle as non-refundable deposit to the credit of the District Mineral Foundation Trust, Trichy District;



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- (b) the petitioner shall execute a bond for a sum of **Rs.1,50,000/- (Rupees One Lakhs and Fifty Thousand only)**, with two sureties for the Tipper lorry bearing Registration No.TN-38-BC-2908 and **Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only)**, with two sureties for the JCB bearing Registration No.TN-48-AD-2521 for a likesum to the satisfaction of the learned Judicial Magistrate, Musiri;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicles before the learned Judicial Magistrate, Musiri;
- (d) the petitioner shall not alienate and shall not make any alteration in the vehicles;
- (e) the petitioner shall produce the vehicles before the Court and before the respondent police as and when required;

29.08.2024

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

To
1.The Judicial Magistrate,
Musiri.



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K.MURALI SHANKAR,J.

csn

- 2.The Inspector of Police,
Musiri Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.R.C.(MD)No.812 of 2024

Dated: 29.08.2024