



Crl.R.C.(MD)No.829 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.829 of 2024

Nijamudeen

... Petitioner

Vs.

The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur.
(Crime No.176 of 2024)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records pertaining to the order dated 08.08.2024 made in Cr.M.P.No.2294 of 2024 on the file of the learned Judicial Magistrate Court, Pattukottai and set aside the order and direct the respondent Police herein to grant interim custody of the vehicle viz., Mahindra Pickup bearing Registration No.TN 49 P 7017 to the petitioner which was seized by the respondent Police in connection with Crime No.176 of 2024.

For Petitioner : Mr.K.Althaf Sheriff

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. 2294 of 2024 in Crime No.176 of 2024 dated 08.08.2024 on the file of the Judicial Magistrate Court, Pattukottai, dismissing the petition filed under Section 451 and 457 Cr.P.C.

2.The petitioner claims to be the owner of Mahindra Pickup bearing Registration No.TN 49 P 7017. On 29.05.2024, the respondent police has registered a case in Crime No.176 of 2024 for the offences under Section 379 BNS and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle bearing Registration No.TN 49 P 7017 for the alleged illegal transportation of sand.

3.It is not in dispute that the petitioner has approached the learned Judicial Magistrate Court, Pattukottai for returning of the said vehicle in Crl.M.P.No.2294 of 2024 and the learned Judicial Magistrate, vide order dated 08.08.2024, 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 is the owner of the vehicle, 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 49 P 7017 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 three 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



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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 08.08.2024 passed in Crl.M.P.No.2294 of 2024, by the learned Judicial Magistrate, Aundipatti.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 08.08.2024 passed in Cr.M.P.No.2294 of 2024 by the learned Judicial Magistrate Court, Pattukkottai, is hereby set aside and the vehicle/Mahindra Pickup bearing Registration No.TN 49 P 7017, 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:-

- (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;
- (b) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)**, with two sureties for a likesum



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to the satisfaction of the learned Judicial Magistrate,
Pattukkottai;

(c) the petitioner shall deposit the original Registration Certificate
of the vehicle before the learned Judicial Magistrate,
Pattukkottai;

(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;

30.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

1.The Judicial Magistrate, Pattukkottai.

2.The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

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