



Crl.R.C.(MD)No.840 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 01.10.2024

Pronounced on : 19.10.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.840 of 2024

Titus

... Petitioner

Vs.

The State rep. by
The Sub Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
(Crime No.86 of 2024)

... Respondent

Prayer : This Criminal Revision Petition filed under Sections 438 and 442 B.N.S.S., to call for the records pertaining to the order passed by the District Munsif cum Judicial Magistrate, Boothapandy in Cr.M.P.No.2089 of 2024 dated 23.08.2024 and set aside the same and order to return the petitioner's Tarus Lorry bearing Registration No.TN-75-AY-3777 seized by the respondent on 23.08.2024.

For Petitioner : Mr.T.Lenin Kumar

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.2089 of 2024 dated 23.08.2024 on the file of the District Munsif cum Judicial Magistrate, Bhoothapandy, dismissing the petition filed under Sections 451 and 457 of the Code of Criminal Procedure.

2. The petitioner claims to be the owner of Tarus Lorry bearing Registration No.TN-75-AY-3777. On 23.04.2024, the respondent police has registered a case in Crime No.86 of 2024 for the offence under Section 379 IPC and seized the above said vehicle bearing Registration No.TN-75-AY-3777 for the alleged illegal transportation of M-sand.

3. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Bhoothapandy for returning of the said vehicle in Crl.M.P.No.2089 of 2024 and the learned Judicial Magistrate, vide order dated 23.08.2024, 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.246 of 2023 on the file of the respondent for the offences under Sections 353 and 506(2) IPC altered into Sections 353, 506(2) and 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act and Section 194(1) MV Act, that the petitioner has filed a petition in Cr.M.P.No.1778 of 2024 before the District Munsif cum Judicial Magistrate, Bhoothapandy for return of the said vehicle under Section 451 Cr.P.C. and the learned Judicial Magistrate has passed an order dated 06.04.2024 for releasing the vehicle by imposing conditions and that the petitioner, by violating the condition, has used the vehicle for the similar offence subsequently.

6. The learned Government Advocate (Criminal Side) appearing for the respondent would further submit that the petitioner is the owner of the



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vehicle and that since the petitioner has violated the condition imposed by the learned Judicial Magistrate in the order passed in Cr.M.P.No.1778 of 2024, the learned Judicial Magistrate has rightly dismissed the petition and he has also produced the copy of the order passed in Cr.M.P.No.1778 of 2024 dated 06.04.2024. It is evident from the said order that the learned Judicial Magistrate has imposed conditions for releasing the vehicle, in which condition No.3 is extracted hereunder:-

“3.The petitioner shall file undertaking affidavit undertaking that he will not use the vehicle in question for any illegal activities in future.”

7. Though the petitioner has filed an undertaking affidavit that he will not use the vehicle in question for any illegal activities in future, 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.

8. The learned counsel appearing for the petitioner would submit that petitioner is ready to comply with the conditions to be imposed by this Court.



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9. Since the petitioner has violated the condition imposed by the learned Judicial Magistrate 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.

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

19.10.2024

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

To

1. The District Munsif cum Judicial Magistrate,
Bhoothapandy.
- 2.The Sub Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.



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K.MURALI SHANKAR,J.

csn

Pre-Delivery Order made in
Crl.R.C.(MD)No.840 of 2024

Dated : 19.10.2024