



Crl. R.C.(MD)No.883 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 13.09.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.883 of 2024

Dharmadurai

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Inamkulathur Police Station,
Tiruchirappalli District.
Crime No.31 of 2024.

.. Respondent

Prayer : This criminal revision case is filed under Sections 438 r/w 442 BNSS, to call for the records pertaining to the impugned order in Cr.M.P.No.16147 of 2024, dated 27.08.2024 on the file of the learned Judicial Magistrate No.V, Tiruchirappalli and set aside the same as illegal and void, consequently, direct the respondent to release the JCB vehicle bearing Reg.No.TN-69-BB-0459 to the petitioner.

For Petitioner : Mr.C.Karthikeyan

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)



WEB COPY



CrI. R.C.(MD)No.883 of 2024

ORDER

The Criminal Revision Case is directed against the order passed in Cr.M.P.No.16147 of 2024 in Crime No.31 of 2024 dated 27.08.2024 on the file of the learned Judicial Magistrate No.V, Tiruchirappali, dismissing the petition filed under Sections 451 r/w 457 of Cr.P.C.

2. The petitioner claims to be the owner of JCB vehicle bearing Reg.No.TN-69-BB-0459. On 08.06.2024, the respondent police has registered a case in Crime No.31 of 2024 for the offences under Section 379 of IPC and Section 21(4) of Mines and Mineral (Development & Regulation) Act, 1957 and seized the above vehicle bearing Reg.No.TN-69-BB-0459 for the alleged illegal transportation of gravel sand.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.V, Tiruchirappali, for returning of the said vehicle in Cr.M.P.No.16147 of 2024 and the learned Judicial Magistrate, vide order dated 27.08.2024, has dismissed the petition. Aggrieved by



Crl. R.C.(MD)No.883 of 2024

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 the owner of the vehicle and is the first accused in this case, that the petitioner is not having any previous cases for similar offence 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 Reg.No.TN-69-BB-0459 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.



Crl. R.C.(MD)No.883 of 2024

WEB COPY

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 27.08.2024 passed in Crl.M.P.no.16147 of 2024, by the learned Judicial Magistrate No.V, Tiruchirappalli.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 27.08.2024 passed in Crl.M.P.No.16147 of 2024 by the learned Judicial Magistrate No.V, Tiruchirappali, is hereby set aside and the vehicle/JCB bearing Reg.No.TN-69-BB-0459, 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, Trichy District;



WEB COPY



Crl. R.C.(MD)No.883 of 2024

- (b) the petitioner shall execute a bond for a sum of **Rs.3,00,000/-**
(Rupees Three Lakhs only), with two sureties for a likesum to
the satisfaction of the learned Judicial Magistrate No.V,
Tiruchirappali ;
- (c) the petitioner shall deposit the original Registration Certificate of
the vehicle before the learned Judicial Magistrate No.V,
Tiruchirappali ;
- (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;

13.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

To

1.The Judicial Magistrate No.V,
Tiruchirappali.



Crl. R.C.(MD)No.883 of 2024

2.The Inspector of Police,
Inamkulathur Police Station,
Tiruchirappalli District.

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

4.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

K.MURALI SHANKAR,J.

das

Order made in
Crl.R.C.(MD)No.881 of 2024



WEB COPY



Crl. R.C.(MD)No.883 of 2024

13.09.2024