



Crl.R.C.(MD)No.878 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2024

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.878 of 2024

Kumuthavalli

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
(Crime No.570 of 2023)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records pertaining to the order, dated 03.08.2024 in Cr.M.P.No.834 of 2024 on the file of the learned Judicial Magistrate, Thiruvidaimaruthur and set aside the order and direct the respondent herein to grant the interim custody of the vehicle viz., Mahindra Tractor bearing Reg.No.TN-68-AP-2419, which has been seized by the respondent herein in Crime No.570 of 2023.

For Petitioner : Mr.K.M.Karunakaran

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 Cr.M.P.No.834 of 2024 in Crime No.570 of 2023 dated 08.10.2023 on the file of the learned Judicial Magistrate, Thiruvudaimaruthur, dismissing the petition filed under Section 451 of Cr.P.C.

2. The petitioner claims to be the owner of the Mahindra Tractor bearing Reg.No.TN-68-AP-2419. On 08.10.2023, the respondent police has registered a case in Crime No.570 of 2023 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 Reg.No.TN-68-AP-2419 for the alleged illegal transportation of gravel sand.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Thiruvudaimaruthur, for returning of the said vehicle in Crl.M.P.No.834 of 2024 and the learned Judicial Magistrate, vide order dated 03.08.2024, has dismissed the petition. Aggrieved by the



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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 not the 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-68-AP-2419 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 eleven 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.



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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 03.08.2024 passed in Crl.M.P.No.834 of 2024, by the learned Judicial Magistrate, Thiruvudaimaruthur.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 03.08.2024 passed in Crl.M.P.No.834 of 2024 by the learned Judicial Magistrate, Thiruvudaimaruthur, is hereby set aside and the vehicle/ Mahindra Tractor bearing Reg.No.TN-68-AP-2419, 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;



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- (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, Thiruvidadaimaruthur;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Thiruvidadaimaruthur;
- (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
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K.MURALI SHANKAR,J.

das

To

- 1.The Judicial Magistrate,
Thiruvidaimaruthur.
- 2.The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.R.C.(MD)No.878 of 2024

Dated: 13.09.2024