



*Crl. R.C.(MD)No.879 of 2024*

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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.879 of 2024

Premkumar

... Petitioner

Vs.

State rep.by  
The Inspector of Police,  
Thiruneelakudi Police Station,  
Thanjavur District.  
Crime No.334 of 2024.

: Respondent/Complainant

**Prayer** : This criminal revision case is filed under Sections 438 and 442 of BNSS.,to call for the records pertaining to the order, dated 05.08.2024 made in Cr.M.P.No.2091 of 2024 on the file of the learned Judicial Magistrate, Thiruvidadaimaruthur and set aside the order and direct the respondent herein to grant the interim custody of the vehicle viz., JCB bearing registration No.TN-91-C-6541, which has been seized by the respondent herein Crime No.334 of 2024.

For Petitioner : Mr.M.Karunakaran

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



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## **ORDER**

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The Criminal Revision Case is directed against the order passed in Crl.M.P.No.2091 of 2024, dated 05.08.2024 on the file of the learned Judicial Magistrate, Thiruvidaimaruthur, dismissing the petition filed under Sections 451 and 457 of BNSS.

2. The petitioner claims to be the owner of the vehicle/JCB bearing Reg.No.TN-91-C-6541. On 10.05.2024, the respondent has seized the vehicle/JCB bearing Reg.No.TN-91-C-6541 as the same was used for transporting of sand illegally without any valid license or permit and registered a case in Crime No.334 of 2024 for the offences under Section 379 IPC and Section 21(1) of Mines and Minerals (Development & Regulation)Act, 1957.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Thiruvidaimaruthur, for returning of the said vehicle in Crl.M.P.No.2091 of 2024 and the learned Judicial Magistrate, vide order dated 05.08.2024, has dismissed the petition. Challenging the dismissal order, the above Criminal Revision came to be filed before this Court.



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4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the State.

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 vehicle was not involved in any other cases.

6. The learned counsel appearing for the petitioner would submit that the JCB bearing Reg.No.TN-91-C-6541 is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, 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 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.



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8. Accordingly, this Criminal Revision Petition is allowed and the order dated 05.08.2024 passed in Crl.M.P.No.2091 of 2024 by the learned Judicial Magistrate, Thiruvidaimaruthur, is hereby set aside and the vehicle/JCB bearing Reg.No.TN-91-C-6541, 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, Thanjaur District;
- (b) the petitioner shall execute a bond for a sum of **Rs.5,00,000/- (Rupees Five Lakhs Fifty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Thiruvidaimaruthur ;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Thiruvidaimaruthur;



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(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, Thiruvudaimaruthur,
- 2.The Inspector of Police,  
Thiruneelakudi Police Station,  
Thanjavur 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.



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**K.MURALI SHANKAR,J.**

das

Order made in  
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