



CRL.RC.(MD)No.913 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CRL.RC.(MD)No.913 of 2024

Prabaharan

... Petitioner

Vs.

The State represented by
the Sub Inspector of Police,
Manachanallur Police Station,
Trichy District.
(Crime No.164 of 2024)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 BNSS, to call for the records relating to the order of the learned Judicial Magistrate No.III, Tiruchirapalli in Crl.M.P.No.19423 of 2024, dated 27.08.2024 filed by the petitioner under Sections 497 and 503 of BNSS, 2023 and set aside the same as illegal and entrust the interim custody of the vehicle bearing Registration No.TN 46 J 1955 TATA ACE (Engine No.275, IDI105 FQZS 54938) to the petitioner in a manner known to law by allow the above Criminal Revision Petition as prayed for.

For Petitioner : Mr.M.Jegadeesh Pandian

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



CRL.RC.(MD)No.913 of 2024

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ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.19423 of 2024 in Crime No.164 of 2024 dated 27.08.2024 on the file of the Judicial Magistrate No.III, Tiruchirapalli, dismissing the petition filed under Section 497 B.N.S.S.

2.The petitioner claims to be the owner of Tata Ace bearing Registration No.TN 46 J 1955. On 16.07.2024, the respondent police has registered a case in Crime No.164 of 2024 for the offences under Section 303(2) BNS and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle bearing Registration No.TN 46 J 1955 for the alleged illegal transportation of sand.

3.It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.III, Tiruchirapalli for returning of the said vehicle in Crl.M.P.No.19423 of 2024 and the learned Judicial Magistrate, vide order dated 27.08.2024, has dismissed the petition. Aggrieved by the



CRL.RC.(MD)No.913 of 2024

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, that the petitioner is the accused in this 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 46 J 1955 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 two 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.RC.(MD)No.913 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.19423 of 2024, by the learned Judicial Magistrate No.III, Tiruchirapalli.

8.Accordingly, this Criminal Revision Petition is allowed and the order dated 27.08.2024 passed in Crl.M.P.No.19423 of 2024 by the learned Judicial Magistrate No.III, Tiruchirapalli, is hereby set aside and the vehicle bearing Registration No.TN 46 J 1955, 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



CRL.RC.(MD)No.913 of 2024

deposit for the said vehicle to the credit of the District Mineral Foundation Trust, Trichy 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 to the satisfaction of the learned Judicial Magistrate No.III, Tiruchirapalli;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.III, Tiruchirapalli;
- (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;

24.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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CRL.RC.(MD)No.913 of 2024

K.MURALI SHANKAR,J.

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To

- 1.The Judicial Magistrate No.II, Tiruchirappalli.
- 2.The Sub Inspector of Police,
Manachanallur Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.RC.(MD)No.913 of 2024

24.09.2024