



CRL.RC.(MD)No.912 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2024

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THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CRL.RC.(MD)No.912 of 2024

Thiruppathi

... Petitioner

Vs.

1.The State represented by
the Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
In Crime No.151 of 2024

2.Pari Vallal

... Respondents

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 BNSS, to call for the records relating to the order dated 04.09.2024 made in Crl.M.P.No.944 of 2024 on the file of the learned Judicial Magistrate, Tenkasi and set aside the same by allowing this Criminal Original Petition.

For Petitioner : Mr.T.Senthil Kumaraiah

For R-1 : 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.944 of 2024 in Crime No.151 of 2024 dated 04.09.2024 on the file of the Judicial Magistrate, Tenkasi, dismissing the petition filed under Section 497 B.N.S.S.

2.The petitioner claims to be the owner of Tractor bearing Registration No.TN 69 S 8082 and Trailer bearing Registration No.TN 76 A 8897. On 05.08.2024, the respondent police has registered a case in Crime No.151 of 2024 for the offences under Section 303(2) BNS and seized the above said vehicle bearing Registration No.TN 69 S 8082 and Trailer bearing Registration No.TN 76 A 8897 for the alleged illegal transportation of gravel sand.

3.It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Tenkasi for returning of the said vehicle in Crl.M.P.No.944 of 2024 and the learned Judicial Magistrate, vide order dated 04.09.2024, 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 first respondent.

5.The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that the petitioner is the owner of the vehicle, that the petitioner is having one previous 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 Tractor bearing Registration No.TN 69 S 8082 and Trailer bearing Registration No.TN 76 A 8897 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.



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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 04.09.2024 passed in Crl.M.P.No.944 of 2024, by the learned Judicial Magistrate, Tenkasi.

8.Accordingly, this Criminal Revision Petition is allowed and the order dated 04.09.2024 passed in Crl.M.P.No.944 of 2024 by the learned Judicial Magistrate, Tenkasi, is hereby set aside and the Tractor bearing Registration No.TN 69 S 8082 and Trailer bearing Registration No.TN 76 A 8897, 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, Tenkasi District;



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- (b) the petitioner shall execute a bond for a sum of **Rs.1,25,000/-** (**Rupees One Lakh Twenty Five Thousand only**), with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Tenkasi;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Tenkasi;
- (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

Index : Yes / No
Internet : Yes / No
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To

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



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K.MURALI SHANKAR,J.

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