



Crl. R.C.(MD)No.916 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.09.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.916 of 2024

Suresh

: Petitioner

Vs.

State rep.by the Inspector of Police,
Rajathani Police Station,
Theni District.
Crime No.116 of 2024.

: Respondent

Prayer : This criminal revision case is filed under Sections 438 and 442 of BNSS., to call for the entire records relating to the order dated 27.08.2024 in Crl.M.P.No.4045 of 2024 in Crime No.116 of 2024 on the file of the learned Judicial Magistrate, Aundipatti, set aside the same and consequently, direct the learned Judicial Magistrate, Aundipatti, to return the vehicle bearing Reg.No.TN-57-AV-8671 to the petitioner herein.

For Petitioner : Mr.M.Prabu

For Respondent : 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.4045 of 2024, dated 27.08.2024 on the file of the learned learned Judicial Magistrate, Aundipatti, dismissing the petition filed under Sections 497 of BNSS.

2. The petitioner claims to be the owner of the vehicle/Tractor bearing Reg.No.TN-57-AU-8671. On 20.05.2024, the respondent police intercepted the vehicle bearing Reg.No.TN-57-AU-8671 and seized the vehicle as the same was used for transporting of river sand illegally without any valid license or permit and registered a case in Crime No.116 of 2024 for the offences under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development & Regulation)Act, 1957.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Aundipatti, for returning of the said vehicle in Crl.M.P.No.4045 of 2024 and the learned Judicial Magistrate, vide order dated 27.08.2024, 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 having two previous cases for similar offence and that the said vehicle is not involved in any other cases.

6. The learned counsel appearing for the petitioner would submit that the Tractor bearing Reg.No.TN-57-AU-8671 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 27.08.2024 passed in Crl.M.P.No.4045 of 2024 by the learned Judicial Magistrate, Aundipatti, is hereby set aside and the vehicle/Tractor bearing Reg.No.TN-57-AU-8671, 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, Theni District;
- (b) the petitioner shall execute a bond for a sum of **Rs.75,000/- (Rupees Seventy Five Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Aundipatti ;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Aundipatti;
- (d) the petitioner shall not alienate and shall not make any alteration in the vehicle;



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25.09.2024

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

To

- 1.The Judicial Magistrate, Aundipati.
- 2.The Inspector of Police,
Rajathani Police Station,
Theni 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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