



Crl.R.C.(MD)No.928 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

Crl.R.C.(MD)No.928 of 2024

Lurthu Seviyar @ Lurthu Xavier

... Petitioner

Vs.

The Inspector of Police,  
Vallam Police Station,  
Thanjavur District.  
(Crime No.360 of 2024)

... Respondent

**PRAYER :** Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records pertaining to the impugned order dated 02.09.2024 passed in Crl.M.P.No.5279 of 2024 on the file of the learned Judicial Magistrate Court No.II, Thanjavur and to set aside the same and consequently, direct the respondent to release the Eicher Tractor bearing Reg.No.TN-49-CL-1523.

For Petitioner : Mr.S.Venkatesan

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



Crl.R.C.(MD)No.928 of 2024

## **ORDER**

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The Criminal Revision is directed against the order passed in Crl.M.P.No.5279 of 2024 in Crime No.360 of 2024 dated 02.09.2024 on the file of the Judicial Magistrate Court No.II, Thanjavur, dismissing the petition filed under Section 497 B.N.S.S.

2.The petitioner claims to be the owner of Eicher Tractor bearing Registration No.TN-49-CL-1523. On 17.07.2024, the respondent police has registered a case in Crime No.360 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-49-CL-1523 for the alleged illegal transportation of red sand.

3.It is not in dispute that the petitioner has approached the learned Judicial Magistrate Court No.II, Thanjavur for returning of the said vehicle in Crl.M.P.No.5279 of 2024 and the learned Judicial Magistrate, vide order dated 02.09.2024, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



CrI.R.C.(MD)No.928 of 2024

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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 was not having any previous cases 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-49-CL-1523 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.

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



Crl.R.C.(MD)No.928 of 2024

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 02.09.2024 passed in Crl.M.P.No.5279 of 2024, by the learned Judicial Magistrate Court No.II, Thanjavur.

8.Accordingly, this Criminal Revision Petition is allowed and the order dated 02.09.2024 passed in Crl.M.P.No.5279 of 2024 by the learned Judicial Magistrate Court No.II, Thanjavur, is hereby set aside and the vehicle/Tractor bearing Registration No.TN-49-CL-1523, 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;
- (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



Crl.R.C.(MD)No.928 of 2024

the satisfaction of the learned Judicial Magistrate Court No.II,  
Thanjavur;

(c) the petitioner shall deposit the original Registration Certificate  
of the vehicle before the learned Judicial Magistrate Court  
No.II, Thanjavur;

(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;

**26.09.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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To

1.The Judicial Magistrate Court No.II, Thanjavur

2.The Inspector of Police,  
Vallam Police Station,  
Thanjavur District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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CrI.R.C.(MD)No.928 of 2024

**K.MURALI SHANKAR,J.**

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CrI.R.C.(MD)No.928 of 2024

26.09.2024