



Crl.R.C.(MD)No.950 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.950 of 2024

Murugesan

... Petitioner

Vs.

State of Tamilnadu through its
The Inspector of Police,
Manapparai Police Station,
(Crime No.400 of 2024)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for records relating to the order passed by the learned Judicial Magistrate, Manapparai in Crl.M.P.No.3419 of 2024 dated 13.09.2024 and set aside the same.

For Petitioner : M/s.T.A.Ebenezer

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

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.3419 of 2024 dated 13.09.2024 on the file of the Judicial



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Magistrate, Manapparai, dismissing the petition filed for returning of the vehicles.

2. The petitioner claims to be the owner of JCB bearing Registration No.TN-48-BD-0049 and Tipper lorry bearing Registration No.TN-45-AV-8418. On 28.08.2024, the respondent police has registered a case in Crime No.400 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 vehicles bearing Registration Nos.TN-48-BD-0049 and TN-45-AV-8418 for the alleged illegal transportation of gravel sand.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Manapparai for returning of the said vehicles in Crl.M.P.No.3419 of 2024 and the learned Judicial Magistrate, vide order dated 13.09.2024, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

4. Heard the learned counsel appearing for the petitioner and the



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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 third accused in this case, that the petitioner is not having any other previous cases for similar offence and that the said vehicles were not involved in any other cases.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration Nos.TN-48-BD-0049 and TN-45-AV-8418 are owned by the petitioner, that the said vehicles have no connection whatever with the alleged occurrence, that the vehicles are with the police, that if the vehicles are kept in open place, the value of the said vehicles 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 vehicles are kept in open place exposing to sun and rain,



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the value of the vehicles will be deteriorated and no purpose will be served in keeping the vehicles in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 13.09.2024 passed in Crl.M.P.No.3419 of 2024, by the learned Judicial Magistrate, Manapparai.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 13.09.2024 passed in Crl.M.P.No.3419 of 2024 by the learned Judicial Magistrate, Manapparai, is hereby set aside and the vehicles/JCB bearing Registration No.TN-48-BD-0049 and Tipper lorry bearing Registration No.TN-45-AV-8418, are 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)** for each vehicle as non-refundable deposit to the credit of the District Mineral Foundation Trust, Trichy District (total Rs.50,,000/- (Rupees Fifty Thousand only));



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- (b) the petitioner shall execute a bond for a sum of **Rs.6,00,000/- (Rupees Six Lakhs only)**, with two sureties for the Tipper lorry bearing Registration No.TN-45-AV-8418 and **Rs.15,00,000/- (Rupees Fifteen Lakhs only)**, with two sureties for the JCB bearing Registration No.TN-48-BD-0049 for a likesum to the satisfaction of the learned Judicial Magistrate, Manapparai;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicles before the learned Judicial Magistrate, Manapparai;
- (d) the petitioner shall not alienate and shall not make any alteration in the vehicles;
- (e) the petitioner shall produce the vehicles before the Court and before the respondent police as and when required;

03.10.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

1.The Judicial Magistrate,
Manapparai.



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K.MURALI SHANKAR,J.

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- 2.The Inspector of Police,
Manapparai Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.R.C.(MD)No.950 of 2024

Dated: 03.10.2024