



Crl.R.C.(MD)No.962 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.962 of 2024

S.Selvam

... Petitioner

Vs.

The Sub Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
In Crime No.189 of 2024

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records relating to the order passed by the learned District Munsif Cum Judicial Magistrate, Orathanadu in Crl.M.P.No. 5073 of 2024 dated 23.09.2024 and set aside the same.

For Petitioner : Mr.T.Eashwar

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



Crl.R.C.(MD)No.962 of 2024

WEB COPY

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.5073 of 2024 in Crime No.189 of 2024 dated 23.09.2024 on the file of the District Munsif Cum Judicial Magistrate, Orathanadu, 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-49-BM-9525. On 29.07.2024, the respondent police has registered a case in Crime No.189 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-BM-9525 for the alleged illegal transportation of savud sand.

3.It is not in dispute that the petitioner has approached the learned District Munsif Cum Judicial Magistrate, Orathanadu for returning of the said vehicle in Crl.M.P.No.5073 of 2024 and the learned Magistrate, vide order dated 23.09.2024, 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.962 of 2024

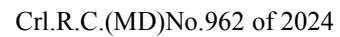
WEB COPY

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 also not involved in any other cases.

6.The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-49-BM-9525 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.

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



(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.1,00,000/- (Rupees One Lakh only)**, with two sureties for a likesum to



CrI.R.C.(MD)No.962 of 2024

the satisfaction of the learned District Munsif Cum Judicial Magistrate, Orathanadu;

(c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned District Munsif Cum Judicial Magistrate, Orathanadu;

(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;

04.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

1.The District Munsif Cum Judicial Magistrate, Orathanadu

2.The Sub Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.

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



WEB COPY



CrI.R.C.(MD)No.962 of 2024

K.MURALI SHANKAR,J.

gns

CrI.R.C.(MD)No.962 of 2024

04.10.2024