



Crl.R.C.(MD)No.984 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.984 of 2024

Sarath Kumar

... Petitioner

Vs.

The State of Tamilnadu rep by
The Inspector of Police,
Thiruvidaimarudhur Police Station,
Thanjavur District.
(Crime No.621 of 2024)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records relating to set aside the order passed in Cr.M.P.No.3416 of 2024 on the file of Judicial Magistrate Court, Thiruvidaimarudhur dated 30.08.2024 in connection with Crime No.621 of 2024 on the file of respondent and allow the criminal revision petition.

For Petitioner : M/s.D.Saranya

For Respondent : 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.3416 of 2024 dated 30.08.2024 on the file of the District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, dismissing the petition filed for returning of the vehicle.

2. The petitioner claims to be the owner of JCB bearing Registration No.TN-32-AM-6678. The respondent police has registered a case in Crime No.621 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-32-AM-6678 for the alleged illegal transportation of sand.

3. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur for returning of the said vehicle in Crl.M.P.No.3416 of 2024 and the learned Judicial Magistrate, vide order dated 30.08.2024, 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 respondent.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the second accused in this case, that the petitioner is having two 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-32-AM-6678 is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, that the vehicle is with the police, 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



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keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 30.08.2024 passed in Crl.M.P.No.3416 of 2024, by the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 30.08.2024 passed in Crl.M.P.No.3416 of 2024 by the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, is hereby set aside and the vehicle/JCB bearing Registration No.TN-32-AM-6678, 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 to the credit of the District Mineral Foundation Trust, Thanjavur District;
- (b) the petitioner shall execute a bond for a sum of **Rs.8,00,000/- (Rupees Eight Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial



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Magistrate, Thiruvudaimaruthur;

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

(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;

16.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

1.The District Munsif cum Judicial Magistrate,
Thiruvudaimaruthur.

2.The Inspector of Police,
Thiruvudaimarudhur Police Station,
Thanjavur 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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Order made in
CrI.R.C.(MD)No.984 of 2024

Dated: 16.10.2024