



Crl. R.C.(MD)No.1037 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.10.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.1037 of 2024

B.Premkumar

... Petitioner

Vs.

The State rep.by the Inspector of Police,
Somarasampet Police Station,
Trichy District.
Crime No.9 of 2024.

.. Respondent

Prayer : This criminal revision case is filed under Sections 438 and 442 of BNSS., to call for the records pertaining to the impugned order in Crl.M.P.No.6266 of 2024, dated 17.10.2024 on the file of the Judicial Magistrate Court No.V, Tiruchirappalli and set aside the same as illegal and void, consequently, direct the respondent police to release the Ashok Leyland Ltd Tipper Lorries bearing Reg.No.TN-47-S-2799 and TN-45-BB-5911 and the JCB India Ltd bearing Reg.No.TN-48-BE-0733.

For Petitioner : Mr.K.Dinesh

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



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ORDER

The Criminal Revision Case is directed against the impugned order in Crl.M.P.No.6266 of 2024, dated 17.10.2024 on the file of the Judicial Magistrate Court No.V, Tiruchirappalli and consequently, direct the respondent police to release the Ashok Leyland Ltd Tipper Lorries bearing Reg.No.TN-47-S-2799 and TN-45-BB-5911 and the JCB India Ltd bearing Reg.No.TN-48-BE-0733.

2. The petitioner claims to be the owner of the Ashok Leyland Ltd Tipper Lorries bearing Reg.No.TN-47-S-2799 and TN-45-BB-5911 and the JCB India Ltd bearing Reg.No.TN-48-BE-0733. On 10.01.2024, the respondent police intercepted the Ashok Leyland Ltd Tipper Lorries bearing Reg.No.TN-47-S-2799 and TN-45-BB-5911 and the JCB India Ltd bearing Reg.No.TN-48-BE-0733 and seized the vehicles as the same were used for transporting of river sand illegally without any valid license or permit and registered a case in Crime No.9 of 2024 for the offences under Section 379 I.P.C and Section 21(4) of Mines and Minerals (Development & Regulation)Act, 1957.



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3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.V, Tiruchirappalli, for returning of the said vehicles in Cr.M.P.No.6266 of 2024 and the learned Judicial Magistrate, vide order dated 17.10.2024, has dismissed the petition. Challenging the dismissal order, the above Criminal Revision came to be filed before this Court.

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 vehicles and that the petitioner is not having any 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 Ashok Leyland Ltd Tipper Lorries bearing Reg.No.TN-47-S-2799 and TN-45-BB-5911 and the JCB India Ltd bearing Reg.No.TN-48-BE-0733 are owned by the petitioner, that the said vehicles have no connection



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whatever with the alleged occurrence, that the vehicles are with the police for the past nine months, 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, 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.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 17.10.2024 passed in Crl.M.P.No.6266 of 2024 by the learned Judicial Magistrate, Tiruchirappalli, is hereby set aside and the Ashok Leyland Ltd Tipper Lorries bearing Reg.No.TN-47-S-2799 and TN-45-BB-5911 and the JCB India Ltd bearing Reg.No.TN-48-BE-0733, 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 :-



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- (a) the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) each (totally Rs.75,000/-)** as non-refundable deposit for Ashok Leyland Ltd Tipper Lorries bearing Reg.No.TN-47-S-2799 and TN-45-BB-5911 and the JCB India Ltd bearing Reg.No.TN-48-BE-0733; to the credit of the District Mineral Foundation Trust, Trichy District;
- (b) the petitioner shall execute a bond for a sum of **Rs.3,00,000/- (Rupees Three Lakhs only)** for the Ashok Leyland Ltd Tipper Lorry bearing Reg.No.TN-47-S-2799, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Trichy;
- (c) the petitioner shall execute a bond for a sum of **Rs.4,00,000/- (Rupees Four Lakhs only)** for the Ashok Leyland Ltd Tipper Lorry bearing Reg.No.TN-45-BB-5911, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Trichy;
- (d) the petitioner shall execute a bond for a sum of **Rs.8,00,000/- (Rupees Eight Lakhs only)** for the JCB India Ltd bearing Reg.No.TN-48-BE-0733, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Trichy;



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- (e) the petitioner shall deposit the original Registration Certificates of the vehicles before the learned Judicial Magistrate, Trichy;
- (f) 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;

25.10.2024

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

To

- 1.The Judicial Magistrate, Trichy.
- 2.The Inspector of Police,
Somarasampet Police Station,
Trichy 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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25.10.2024