



CrI.R.C.(MD)No.1038 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.1038 of 2024

K.Pradeep

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Somarasampettai Police Station,
Trichy District.
Crime No.9 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 in CrI.M.P.No.6267 of 2024, dated 17.10.2024 on the file of the learned Judicial Magistrate No.V. Tiruchirappalli and set aside the same as illegal and void, consequently direct the respondent police to release the vehicle bearing Reg.No.TN-48-AL-3994 Bajaj Auto Ltd, Pulsar 150 DTS-I.

For Petitioner : Mr.K.Dinesh

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



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ORDER

The Criminal Revision is directed against the order passed in CrI.M.P.No.6267 of 2024, dated 17.10.2024 on the file of the learned Judicial Magistrate No.V, Tiruchirappalli and consequently direct the respondent police to release the vehicle bearing Reg.No.TN-48-AL-3994 Bajaj Auto Ltd, Pulsar 150 DTS-I.

2. The petitioner claims to be the owner of the vehicle bearing Reg.No.TN-48-AL-3994 Bajaj Auto Ltd, Pulsar 150 DTS-I. On 10.01.2024, the respondent police intercepted the vehicle bearing Reg.No.TN-48-AL-3994 Bajaj Auto Ltd, Pulsar 150 DTS-I and seized the vehicle as the same was used for transporting of sand illegally without any valid license or permit and registered a case in Crime No.9 of 2024 for the offences under Section 379 IPC and Section 21(4) of Mines and Minerals (Development & Regulation)Act, 1957.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate No.V, Tiruchirappalli, for returning of the said vehicle in CrI.M.P.No.6267 of 2024 and the learned Judicial Magistrate, vide



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order dated 17.10.2024, 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 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 and that the petitioner is not having any previous cases for similar offence 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 Reg.No.TN-48-AL-3994 Bajaj Auto Ltd, Plsar 150 DTS-I is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, 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.



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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 keeping the vehicle in custody, this Court is inclined to allow the revision.

9. Accordingly, this Criminal Revision Petition is allowed and the order dated 17.10.2024 passed in CrI.M.P.No.6267 of 2024 by the learned Judicial Magistrate NO.V (FAC) Tiruchirappalli, is hereby set aside and the vehicle bearing Reg.No.TN-48-AL-3994 Bajaj Auto Ltd, Plsar 150 DTS-I., 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.10,000/- (Rupees Ten Thousand only)** as non-refundable deposit for the said vehicle to the credit of the District Mineral Foundation Trust, Trichy District;

(b) the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.V, Tiruchirappalli;



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

(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;

25.10.2024

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

To

- 1.The Judicial Magistrate No.V,
Tiruchirappalli;
- 2.The Inspector of Police,
Somarasampettai Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
CrI.R.C.(MD)No.1038 of 2024

Dated: 25.10.2024