



Crl.O.P.(MD)No.18588 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.18588 of 2024

Veeran

... Petitioner

Vs.

State rep by
The Inspector of Police,
Gandamanur Police Station,
Theni District.
(Crime No.14 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records relating to the order dated 24.08.2024 in Crl.R.C.No. 25 of 2024 on the file of the Principal District Judge, Theni confirmed by the order dated 01.08.2024 in Cr.M.P.No.3239 of 2024 on the file of the learned Judicial Magistrate, Aundipatti, set aside the same as illegal and consequentially direct the learned Judicial Magistrate, Aundipatti to return the vehicle bearing Reg.No.TN-57-CZ-7905 to the petitioner herein.

For Petitioner : Mr.M.Prabu

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

The Criminal Original Petition is directed against the order passed in Crl.R.C.No.25 of 2024 dated 24.09.2024 on the file of the Principal District Court, Theni, dismissing the petition filed under Section 438 B.N.S.S.

2. The petitioner claims to be the owner of Bolero Pickup bearing Registration No.TN-57-CZ-7905. On 23.01.2024, the respondent police has registered a case in Crime No.14 of 2024 for the offences under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 and seized the above said vehicle bearing Registration No.TN-57-CZ-7905 for the alleged illegal transportation of river sand.

3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Aundipatti for returning of the said vehicle in Crl.M.P.No.3239 of 2024 and the learned Judicial Magistrate, vide order dated 01.08.2024, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has filed a revision in Crl.R.C.No.25 of 2024



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before the Principal District Judge, Theni and the learned Principal District Judge, vide order dated 24.09.2024, has dismissed the revision. Challenging the same, the present petition came to be filed.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is not an accused, that the petitioner is having four previous cases similar in nature 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-57-CZ-7905 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 more than eight 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.



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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 petition and thereby setting aside the impugned order dated 24.09.2024 passed in Crl.R.C.No.25 of 2024, by the learned Principal District Judge, Theni.

8. Accordingly, this Criminal Original Petition is allowed and the order dated 24.09.2024 passed in Crl.R.C.No.25 of 2024 by the learned Principal District Judge, Theni, is hereby set aside and the vehicle/Bolero Pickup bearing Registration No.TN-57-CZ-7905, 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 for the said vehicle to the credit of the District Mineral Foundation Trust, Theni District;

(b) the petitioner shall execute a bond for a sum of **Rs.1,50,000/-**

(Rupees One Lakh and Fifty Thousand only), with two



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sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Aundipatti;

(c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Aundipatti;

(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;

28.10.2024

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

To

- 1.The Principal District Judge,
Theni.
- 2.The Judicial Magistrate,
Aundipatti.
- 3.The Inspector of Police,
Gandamanur Police Station,
Theni District.
- 4.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
Crl.O.P.(MD)No.18588 of 2024

Dated: 28.10.2024