



Crl.R.C.(MD)No.1049 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.1049 of 2024

Gothandaraman @ Gosalram

... Petitioner

Vs.

The Inspector of Police,
Sendamaram Police Station,
Tenkasi District.
(Crime No.310 of 2024)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records of the learned Judicial Magistrate Court, Tenkasi in Cr.M.P.No.1174 of 2024 dated 10.10.2024 and to set aside the same and further direct the learned Judicial Magistrate Court, Tenkasi to grant interim custody of vehicle, Mahindra & Mahindra Ltd Swaraj Agriculture Tractor registration No.TN 79 H 9734 to the petitioner.

For Petitioner : Mr.Aayiram K.Selvakumar

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.1174 of 2024 in Crime No.310 of 2024 dated 10.10.2024 on the file of the Judicial Magistrate Court, Tenkasi, 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 79 H 9734. On 14.09.2024, the respondent police has registered a case in Crime No.310 of 2024 for the offences under Section 303(2) BNS and seized the above said vehicle bearing Registration No.TN 79 H 9734 for the alleged illegal transportation of M-sand.

3.It is not in dispute that the petitioner has approached the learned Judicial Magistrate Court, Tenkasi for returning of the said vehicle in Crl.M.P.No.1174 of 2024 and the learned Judicial Magistrate, vide order dated 10.10.2024, 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 owner of the vehicle, that the petitioner is not having any 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 79 H 9734 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 one month, 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



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to the satisfaction of the learned Judicial Magistrate Court,
Tenkasi;

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

(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
gns

To

1.The Judicial Magistrate Court, Tenkasi

2.The Inspector of Police,
Sendamaram Police Station,
Tenkasi District.

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



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K.MURALI SHANKAR,J.

gns

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