



Crl.RC.No.269 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.269 of 2025

Kannan

... Petitioner

Vs.

The State Rep. by its
The Inspector of Police
Tiruvarur Taluk Police Station
Tiruvarur District
(Crime No.176 of 2024)

... Respondent

Prayer: Criminal Revision Case filed under under Section 439 read with 442 of B.N.S.S. to call for the records and set aside the order dated 06.08.2024 of the learned District and Sessions Judge, Tiruvarur in Crl.M.P.No.2507 of 2024 and to direct the respondent to return the vehicle viz, TRACTOR bearing un-Registration, to the petitioner in Crime No.176 of 2024 pending on the file of the respondent.

For Petitioner

: Mr.D.Padmanabhan

For Respondent

: Mr.S.Sugendran

Additional Public Prosecutor



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ORDER

This Criminal Revision Petition has been filed by the petitioner to set aside the order dated 06.08.2024 of the learned Judicial Magistrate, Tiruvarur, in Crl.M.P.No.2507 of 2024 and to direct the respondent to return the vehicle viz, Tractor (un-registered), to the petitioner.

2. The case of the petitioner is that the petitioner is the owner of the unregistered vehicle viz. ESCORTS FARMTRAC 35 CHAMOION XP41 PLUS. The said Tractor was seized by the respondent police on 11.05.2024 in connection with Crime No.176 of 2024 for the offence under Section 379 and 430 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act alleging that the said Tractor was involved in illegal transportation of 1 1/2 units of Clay. Therefore, the petitioner filed a petition in Crl.M.P.No.2507 of 2024 before the Judicial Magistrate, Tiruvarur, invoking Section 451 and 457 of Cr.P.C. seeking return of property, but the same was



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dismissed by order dated 06.08.2024. Aggrieved by the same, the present revision is filed.

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3. The learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation has already been completed and the charge sheet is yet to be filed.

4. Heard both sides and perused the materials available on record.

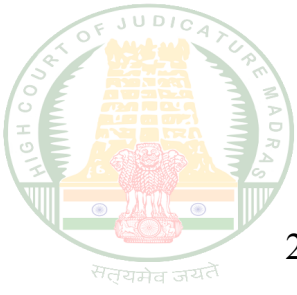
5. It is seen that the investigation has already been completed and the charge sheet it yet to be filed. However, keeping the vehicle in the open space exposing to the natural calamities would diminish the value of the property.

6. Therefore, the order passed by the Judicial Magistrate, Tiruvarur, in Crl.M.P.No.2507 of 2024 dated 06.08.2024 is **set aside**.

7. The Magistrate is directed to return the vehicle to the petitioner subject to the following conditions that:

(i) The petitioner shall deposit a sum of Rs.2,00,000/-

(Rupees Two Lakhs Only) to the credit of Crime No.176 of



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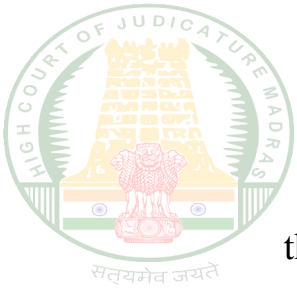
2024.

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(ii) Since the said vehilce is an unregistered vehicle, the petitioner after registering the vehicle, shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Magistrate, on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicle;

(iii) The petitioner shall not alter or alienate the vehicle in any manner till confiscation proceedings is over;

(iv) The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent or the Court below as well as by the District Collector of the District or authorized officer in that behalf by



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the Government;

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(v)The petitioner shall participate in the confiscation proceedings, if any initiated, and shall produce the vehicle, before the confiscation authority. This order is subjected to the confiscation proceedings.

8. With the above directions, this Criminal Revision Petition is disposed of.

25.04.2025

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
ksa-2



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To

1. The Judicial Magistrate,
Tiruvarur

2. The Inspector of Police
Tiruvarur Taluk Police Station
Tiruvarur District

3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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