



CrI.R.C.No.208 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.R.C.No.208 of 2025

Sivashankar

... Petitioner

Vs.

The State by
The Sub Inspector of Police,
Tiruvalam Police Station,
Vellore District.
Cr.No.102 of 2023

... Respondent

Prayer: Criminal Revision filed under Section 438 & 442 of BNSS, praying to set aside the order dated 25.06.2024 passed by the learned Judicial Magistrate, Katpadi, Vellore District in CrI.M.P.No.42 of 2024 in Crime No.102 of 2023 and direct to release the vehicle, JCB bearing registration No.TN 24: AK-2575 owned by the petitioner by allowing this Criminal Revision Petition.

For Petitioner : Mr.D.Thirumoorthy

For Respondent : Mr.S.Udaya Kumar,
Govt. Advocate (CrI.side)



Crl.R.C.No.208 of 2025

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ORDER

This Criminal Revision challenges the dismissal of the petitioner's application under vide order dated 25.06.2024 passed by the learned Judicial Magistrate, Katpadi, Vellore District in Crl.M.P.No.42 of 2024 in connection with Crime No.102 of 2023 and direct the respondent to release the vehicle, JCB bearing registration No.TN 24: AK-2575, owned by the petitioner.

2. An F.I.R was registered in Crime No.102 of 2023 under Sections 379 IPC, 21(1) and 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 alleging that the petitioner used a vehicle bearing Registration No.TN 23 CM 9248, to attempt to fill 2 units of gravel sand into another vehicle and the vehicle of the petitioner was seized. Therefore, the petitioner sought for return of the vehicle and the same was dismissed by the trial Court on the ground that the confiscation proceedings have been initiated.



Crl.R.C.No.208 of 2025

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3. Learned counsel for the petitioner submitted that the allegations are false; that the petitioner has not committed any theft of sand; that in any case, the vehicle cannot be kept idle at the police station subjecting it to vagaries of the weather and submitted that he would abide by any stringent condition that may be imposed by this Court.

4.The learned Government Advocate (Crl.Side) submitted that there is no previous case against the petitioner; that the confiscation proceedings have not been initiated yet.

5. In the light of the above submissions, this Court is of the view that the vehicle cannot be kept idle at the police station and therefore, the petitioner being the owner of the vehicle, is entitled to interim custody.

6. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 25.06.2024 passed by the learned Judicial Magistrate, katpadi, Vellore District, in Crl.M.P.No.42 of 2024 in Crime No.102 of 2023



is set aside. In view of the same, the respondent is directed to return the vehicle bearing No.TN 24: AK-2575 to the petitioner on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Katpadi, Vellore District;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned Judicial Magistrate, Katpadi, Vellore District, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

(iii) The petitioner shall not alter or alienate the vehicle in any manner;

(iv) The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the Court below.



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CrI.R.C.No.208 of 2025

(v) The return of property would be subject to the result of the confiscation proceedings, if any.

31.01.2025

Index : Yes/No
Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

To

1.The Judicial Magistrate, Katpadi, Vellore District

2.The Sub Inspector of Police,
Tiruvalam Police Station,
Vellore District.

3.The Public Prosecutor,
High Court, Madras.



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Crl.R.C.No.208 of 2025

SUNDER MOHAN, J.

Anu

Crl.R.C.No.208 of 2025

31.01.2025