



Crl.R.C.No.48 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.48 of 2025

Karunamoorthy

...Petitioner/Petitioner

Vs.

The State
Rep. by the Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.
(Crime No.120 of 2023).

...Respondent/Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 and 401 of Cr.P.C., to set aside the order dated 02.08.2024 in Crl.M.P.No.1640 of 2024 on the file of the Judicial Magistrate at Katpadi, Vellore District and consequently direct the respondent to hand over the interim custody of Tractor bearing Reg.No.TN 23 CK 3341 and trailer to the petitioner.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



ORDER

The revision challenges the dismissal of the petitioner's application for return of the vehicle, i.e., the tractor bearing Reg.No.TN 23 CK 3341 and trailer.

2. An FIR was registered in Crime No.120 of 2023 for the offences under Sections 379 and 430 of the Indian Penal Code, 1860, on the allegation that the vehicle was used for transporting half a unit of river sand. The driver of the vehicle was made an accused. The petitioner, claiming to be the owner of the vehicle, sought for return of the vehicle. The said petition was dismissed by the trial Court on the ground that since the vehicle was involved in sand theft, it cannot be returned.

3.Mr.K.Sathish Kumar, the learned counsel for the petitioner, would submit that the petitioner has been in possession of the vehicle ever since the date of the death of his father; that the petitioner is not an accused; and that he is one of the legal heirs of one Mr.Vasudevan, who died on 20.09.2021, and submitted that he would abide by any stringent condition that may be imposed by this Court and prayed for the return of the vehicle.



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4. Mr.S.Udaya Kumar, the learned Government Advocate (Crl.Side) for the respondent, on instructions, submitted that there are no previous cases against the accused; and that the confiscation proceedings are yet to be initiated.

5. It is seen from the records that the vehicle stands in the name of one Mr.Vasudevan, who died on 20.09.2021. The petitioner has produced the legal heirs certificate to show that he is one of the legal heirs of the said deceased Vasudevan. However, the petitioner has not produced any documents to show that he is the exclusive owner of the vehicle. The petitioner, however, undertakes to produce the affidavit of the other legal heirs before the trial Court expressing their no objection for the return of the vehicle to the petitioner.

6. Considering the above and the fact that the vehicle has been kept idle at the police station since 07.07.2022; and that the petitioner is not an accused and there are no previous cases against the accused in the case, this



Court is inclined to hand over the interim custody to the petitioner with certain conditions:

7. Accordingly, this Criminal Revision Case is allowed, and the impugned order dated 02.08.2024 passed by the learned Judicial Magistrate, Katpadi, Vellore District, in Crl.M.P.No.1640 of 2024 in Crime No.120 of 2023 is set aside. In view of the same, the respondent is directed to return the vehicle, viz., the tractor bearing its Regn.No.TN23 CK 3341 and the unnumbered trailer to the petitioner on the following conditions:

(i) The petitioner shall file the affidavit duly attested by a notary public of the other legal heirs expressing their no objection for the return of vehicle to the petitioner;

(ii) The petitioner shall execute a personal bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Katpadi, Vellore District;

(iii) 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



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records, retain a xerox copy of the same and return the original RC book to the petitioner;

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

(v) 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;

(vi) The return of vehicle would be subject to the result of the confiscation proceedings, if any;

24.01.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

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Note: Issue Order copy by 31.01.2025.



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To

1.The Judicial Magistrate,
Katpadi,
Vellore District.

2.The Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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