



Crl.R.C.No.82 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-01-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.82 of 2025

Kaleeswari

...

Petitioner / Petitioner

Vs

State by
The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.

...

Respondent / Complainant

Prayer: Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS praying to call for the records relating to the order dated 07.01.2025 made in Crl.MP No.4018 of 2024 passed by the learned Judicial Magistrate – I, Udumalpet and set aside the same.

For Petitioner : Mr.N.Ponraj

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

ORDER

The petitioner, aggrieved by the dismissal of her petition for return of the Tipper lorry bearing Regn.No.TN 37 DX 4851 has filed this instant revision.



WEB COPY2. The case of the prosecution is that petitioner's son was found carrying 3 units of gravel sand without permission, in the above said lorry and hence a case was registered in Crime No.709 of 2024 for the offences under Section 305(e) BNS r/w 21(1) of Mines and Mineral (Development & Regulation) Act , 1957 against the son of the petitioner. During the course of investigation, the lorry of the petitioner was seized on 22.10.2024. The petitioner sought for return of the said lorry which was dismissed by the learned Magistrate on the ground that the accused may alienate the lorry and the might commit similar offences.

3. The learned counsel for petitioner would submit that the petitioner is not an accused; that there are no previous cases against her son; that from the date of seizure, the vehicle is kept idle in an open place subject to vagaries of weather which would diminish its value; that the petitioner is the owner of the vehicle and that the vehicle may be returned to her on any stringent conditions.

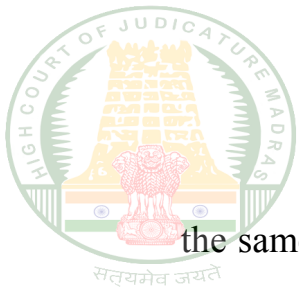


WEB COPY4. The learned Government Advocate (crl.side), per contra, submitted that the confiscation proceedings have not been initiated so far ; that the petitioner is not an accused; that there are no previous cases against the petitioner's son and that the vehicle may be returned to the petitioner subject to confiscation proceedings.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) appearing for the respondent and perused the records.

6. Considering the aforesaid submissions, this court is of the view that the vehicle cannot be allowed to be kept idle in an open place in the police station and subjected to vagaries of the weather. The petitioner is the owner of the vehicle and hence would be the proper person entitled to interim custody and the vehicle can be returned to her on stringent conditions.

7. Accordingly, this **Criminal Revision Case is allowed** and the impugned order dated 07.01.2025 made in Crl.MP No.4018 of 2024 passed by the learned Judicial Magistrate – I, Udumalpet is set aside. In view of



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the same, the respondent is directed to return the vehicle to the petitioner on

WEB CONF the following conditions -

(i) 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 – I, Udumalpet ;

(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 her ownership. The learned Judicial Magistrate – I, Udumalpet 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 she will produce the vehicle as and when required by the respondent and by the court below.

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

21.01.2025

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

rgt



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WEB COPY

To

1.The Judicial Magistrate – I,
Udumalpet

2.The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



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SUNDER MOHAN, J.

rgr

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