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Crl.R.C.No.147 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29/1/2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.147 of 2025

K. Kumar

...

Petitioner

Vs

The State

rep. By The Inspector of Police

Mallasamudram Police Station

Salem District.

...

Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w. Section 401 of Cr.P.C., to set aside the order dated 8/1/2025 made in C.M.P.No.5 of 2025 on the file of the learned Judicial Magistrate, Tiruchengode.

For Petitioner

...

Mr.A.Saravanan

For Respondent

...

Mr.S.Udaya Kumar
Government Advocate
(Crl.Side)

ORDER

The revision challenges the dismissal of the petitioner's application filed under Section 497 of BNSS for return of JCB and Ashok Leyland Tipper lorry bearing registration Nos.TN-34-AJ-3732 and TN-34-PM-7557,



respectively, which were seized in connection with Crime No.190 of 2024 registered under Sections 303 (2) of BNS on the file of Mallasamudram Police Station.

2. A First Information Report was registered against certain accused alleging that they have used the above said vehicles for theft of sand from the property of defacto complainant. The petitioner had filed a petition seeking return of the said vehicles before the learned Judicial Magistrate, Tiruchengode. The learned Magistrate dismissed the said petition stating that since the vehicles have been used for commission of offences against the Society, they cannot be returned.

3. The learned counsel for the petitioner would submit that the petitioner is the owner of two vehicles and is not an accused in the case and that the alleged offences were committed without his knowledge; that in any case, the vehicles cannot be kept idle at the Police Station and subjected to vagaries of weather and that the petitioner is ready to comply with any condition that this Court may impose and prayed for return of the vehicles.



4. The learned Government Advocate (Criminal Side) on instructions would submit that there are no previous cases against the petitioner or the accused; that no confiscation proceedings have been initiated so far.

5. In the light of the above submissions, considering the fact that the petitioner is the owner of the vehicles concerned and not an accused, this Court is inclined to handover the interim custody of the vehicles to the petitioner, on the following conditions:-

(i). The petitioner shall execute a bond for a sum of Rs.20,00,000/- (Rupees Twenty lakhs only) with two sureties to the satisfaction of the Judicial Magistrate, Tiruchengode;

(ii)The petitioner shall produce the original RC Book along with self attested photostat copy of RC Books of the vehicles and other relevant records to prove his ownership. The learned Principal Special Judge shall peruse the RC books and other records, retain xerox copies of the same and return the original RC books to the petitioner;



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(iii)The petitioner shall not alter or alienate the

vehicles in any manner till adjudication is over;

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

(v) The return of properties would be subject to the result of the confiscation proceedings.

6. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 8/1/2025 passed by the learned Judicial Magistrate, Tiruchengode, in C.M.P.No.5 of 2025 in Crime No.190 of 2024 is set aside.

29/1/2025

mvs.

To

1. The Judicial Magistrate, Tiruchengode.
2. The Inspector of Police
Mallasamudram Police Station
Salem District.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J

mvs.

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