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CrI.R.C.No.139 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 139 of 2024

R.Banupriya

... Petitioner

..VS..

The Inspector of Police,
Vanur Police Station,
Villupuram,
(C.P.No.543 of 2023)

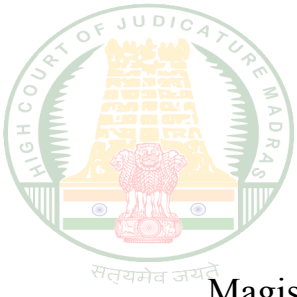
... Respondent

Criminal Revision Petition filed under Sections 397 and 401 Cr.P.C., to set aside the order passed in Cr.M.P.No.53 of 2024 dated 08.01.2024 on the file of the Judicial Magistrate Court, Vanur and direct the respondent to release the property TN-16-F-0599 Bharat Benz 2523C 6X4BSIVN3G-2 Taras lorry.

For Petitioner : Ms.S.Radhika
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Revision Petition is filed against the order dated 08.01.2024 passed in Cr.M.P.No.53 of 2024 on the file of the Judicial



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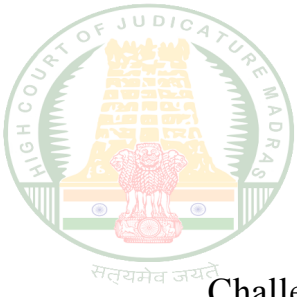
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Magistrate Court, Vanur and direct the respondent to release the property

TN-16-F-0599 Bharat Benz 2523C 6X4BSIVN3G-2 Taras lorry.

2. The case of the prosecution is that on 22.12.2023 at about 17.30 p.m., when the respondent-Police were on regular patrol duty, the petitioner along with other accused persons illegally transported 3 units of broken stone from the hill in the subject vehicle.

3. According to the petitioner is the owner of the vehicle namely Bharat Benz 2523C 6X4BSIVN3G-2 Taras lorry bearing registration No.TN-16-F-0599, and according to the petitioner, on 22.12.2023 the said vehicle was seized by the respondent-Police in connection with the case in Crime No. 543 of 2023 for the offences punishable under Sections 379 and 109 IPC read with Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957. Therefore, the petitioner filed a petition in Crl.M.P.No. 53 of 2024 before the Judicial Magistrate, Vanur, seeking for interim custody of the said vehicle and the learned Magistrate, *vide* order dated 08.01.2024 dismissed the petition.



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Challenging the same, the present Criminal Revision Petition is filed by the petitioner.

4. Learned counsel for the petitioner submitted that the petitioner is the owner of the subject vehicle and she is not involved in the alleged offence either directly or indirectly and a false case has been foisted against the petitioner. He further submitted that the said vehicle has been misused by one Kannan without the knowledge of the petitioner. He further submitted that after taken into custody of the said vehicle, the respondent-Police produced the same before the jurisdictional Court in C.P.No.543 of 2023. If the vehicle in question is left idle in the open space and exposed to sun and rain, the condition of the vehicle would be deteriorated and the value of the vehicle would be lost, thereby, putting the petitioner to great loss and hardship and hence, she seeks interim custody of the vehicle and that she would abide by stringent conditions, if any, that may be imposed on her.

5. Learned Additional Public Prosecutor appearing for the



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respondent-Police, submitted that the subject vehicle was used for illegal transportation of three units of broken stones from the hill. He further submitted that the investigation is under progress and if the vehicle is returned to the petitioner, there is a chance that she will commit the same kind of offences by using the said vehicle and hence, he strongly objects for return the vehicle to the petitioner.

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

7. Considering the facts and circumstances and also considering the submissions made by learned counsel on either side, this Court finds that the case was registered in the year 2023, but for the past two years, the respondent/Police neither completed the investigation nor the competent authority initiated confiscation proceedings and hence, the vehicle in question is left idle in the open space would not serve any purpose. Therefore, in view of the decision of the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat reported in (2002) 10 SCC 283***, the learned Judicial Magistrate, Vanur, is directed to return the vehicle in question to the petitioner on the



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following conditions:

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(i) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove her ownership and the learned Magistrate, on perusal of the RC book and other records, shall retain the Xerox copy of the same and return the original documents to the petitioner with a view to use the vehicle;

(ii) The petitioner shall not alter or alienate the vehicle in question in any manner till confiscation proceedings are over;

(iii) The petitioner is directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh Only) before the trial Court to the credit of Crime No. 543 of 2023** and on such payment and production of proof, the vehicle shall be returned to the petitioner;

(iv) The petitioner shall also give an undertaking affidavit to the effect that she 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 the Government;

(v) The petitioner shall participate in the confiscation proceedings, if any initiated, and shall produce the vehicle,



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before the confiscation authority.

(vi) This order is subjected to the confiscation proceedings.

8. With the above directions, this Criminal Revision Petition is allowed and the impugned order dated 08.01.2024 passed in Crl.M.P.No.53 of 2024, is hereby set aside.

22.04.2025

ms

To

1. The Judicial Magistrate,
Vanur.
2. The Inspector of Police,
Vanur Police Station,
Villupuram.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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