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Crl.R.C. No. 137 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRIMINAL REVISION CASE No. 137 of 2025

Chinnapaiyan

..Petitioner

Vs.

State by
Inspector of Police,
Tiruvalam Police Station,
Vellore District.
Crime No. 345 of 2024

..Respondent

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C to set aside the order dated 03.01.2025 passed in Crl.M.P. No. 3404 of 2024 by the learned Judicial Magistrate, Katpadi, Vellore District and direct to release the Tipper Lorry bearing Registration No. TN-73-AC-3809 owned by the petitioner.

For Petitioner :: Mr.D. Thirumoorthy

For Respondent :: Mr.S. Udayakumar,
Govt. Advocate (Crl.Side)

O R D E R



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The revision challenges the dismissal of the petitioner's application filed under Section 451 Cr.P.C. for return of his tipper lorry bearing Registration No. TN 73 AC 3809.

2. An FIR was registered in Crime No. 345 of 2024 for the offences under Sections 303(2) and 326(a) of BNS, 2023 and Section 21(1) of The Mines and Minerals (Development and Regulation) Act, 1957 against a few accused alleging that they were involved in theft of one unit of sand, which had been kept in the de facto complainant's land. During the course of investigation, the petitioner's vehicle was seized. The petitioner sought return of vehicle which was dismissed by the learned Magistrate on two grounds that he has no jurisdiction to return the vehicle and that the vehicle is necessary for the purpose of proving the offence.

3. Learned counsel for the petitioner would submit that the petitioner, admittedly, is not an accused in this case; that there are no previous cases against the accused involved in the offence; that the vehicle is kept idle at the Police Station since 05.11.2024 and subjected to vagaries



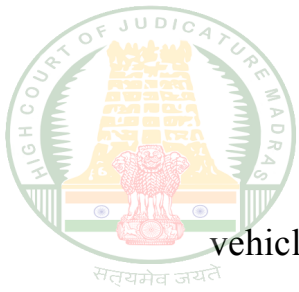
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of weather; therefore, sought return of vehicle and submitted that the petitioner is ready to abide by any conditions.

4. Learned Government Advocate (Crl.Side), on instructions, would submit that the petitioner is not an accused; that there are no previous cases against the persons involved in the offence and that no confiscation proceedings have been initiated so far.

5. In the light of the above, considering the fact that the petitioner is the owner of the vehicle in question; that the vehicle, if kept idle in the open, would be of no use either to the petitioner or the respondent, even if ultimately confiscation proceedings are initiated. this Court is inclined to return the vehicle subject to certain conditions.

6. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 03.01.2025 passed by the learned Judicial Magistrate, Katpadi, Vellore, in Crl.M.P.No. 3404 of 2024 in Crime No.345 of 2024 is set aside. In view of the same, the respondent is directed to return the



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vehicle viz., Tipper Lorry bearing Regn.No.TN-73 AC 3809 to the petitioner

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(i) The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Katpadi, Vellore;

(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 Magistrate 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.

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

28.01.2025

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- To
1. The Judicial Magistrate,
Katpadi, Vellore.
 2. Inspector of Police,
Tiruvalam Police Station,
Vellore District.
 3. The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN,J.



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