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Crl.O.P.No. 3570 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.3570 of 2025

P.Karuppusamy

... Petitioner

Vs.

The State rep by,
Inspector of Police,
M-1, Periyanaickenpalayam Police Station,
Coimbatore District.
Crime No.271 of 2024.

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed by the learned Principal District and Sessions Judge, Coimbatore in Crl.R.C.No.62 of 2024 dated 30.09.2024 as confirmed by the order of learned Judicial Magistrate Court -V, Coimbatore in Crl.M.P.No.21480 of 2024 dated 18.07.2024 and to grant interim custody of Ashok Leyland Tipper Lorry vehicle bearing Registration No.TN-37-EZ-2373 to the petitioner.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.K.M.D.Muhilan,
Government Advocate (crl.side)



CrI.O.P.No. 3570 of 2025

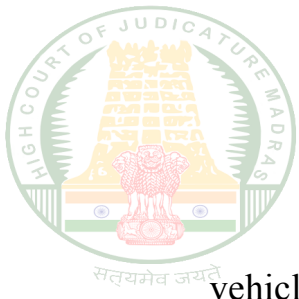
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ORDER

This petition has been filed challenging the order dated 30.09.2024, passed by the learned Principal District and Session Judge, Coimbatore, in CrI.R.C.No.62 of 2024, confirming the order dated 18.07.2024, passed by the learned Judicial Magistrate, Court-V, Coimbatore in C.M.P.No.21480 of 2024, thereby dismissing the petition for return of vehicle.

2. Heard the learned counsel appearing on either side and perused the materials placed on records.

3. The petitioner is an accused in Crime No.271 of 2024 registered for the offences under Section 379 and 511 of IPC and under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, alleging that the petitioner owned vehicle viz., Ashok Leyland Tipper Lorry bearing registration No. TN-37-EZ-2373 and it was used for taking gravel sand from the government promboke land. During the



CrI.O.P.No. 3570 of 2025

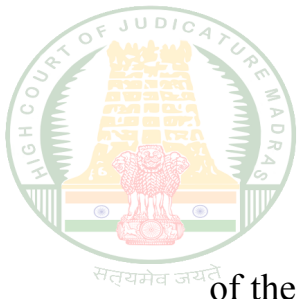
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vehicle check it is found that they were illegally transported the gravel sand. Immediately, the vehicle was seized by the respondent. Though the petitioner is an accused, he is the first time offender and it is only gravel sand.

4. Considering the above facts and circumstances, the order dated 30.09.2024 made in CrI.R.C.No.62 of 2024, on the file of the learned Principal District and Session Judge, Coimbatore, and the order dated 18.07.2024, in C.M.P.No.21480 of 2024 on the file of the learned Judicial Magistrate Court-V, Coimbatore, are hereby set aside. The Judicial Magistrate, Court-V, Coimbatore is directed to return the vehicle viz., Ashok Leyland Tipper Lorry bearing registration No. TN-37-EZ-2373 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute a bond for a sum of Rs.5,00,000/- (Rupees five lakhs only) with two solvency sureties each for the likesum to the satisfaction of the concerned Magistrate to the credit of Crime No.271 of 2024 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original registration certificate



CrI.O.P.No. 3570 of 2025

WEB COPY

of the vehicle with the concerned Magistrate.

(iii) the seized item should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner.

(iv) the petitioner shall not alienate and shall not make any alteration in the vehicle.

(v) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

(vi) If any of the conditions are violated, this order automatically stands cancelled.

5. Accordingly, the Criminal Original Petition stands allowed.

12.02.2025

Neutral citation : Yes/No
Speaking/non-speaking order
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CrI.O.P.No. 3570 of 2025

To

1.Principal District and Session Judge, Coimbatore.

2.Judicial Magistrate Court-V, Coimbatore.

3.Inspector of Police,
M-1, Periyanaickenpalayam Police Station,
Coimbatore District.
Crime No.271 of 2024.

4. The Public Prosecutor,
High Court, Madras.



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CrI.O.P.No. 3570 of 2025

G.K.ILANTHIRAIYAN, J.

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CrI.O.P.No.3570 of 2025



WEB COPY



CrI.O.P.No. 3570 of 2025

12.02.2025