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Crl.RC.No.556 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.556 of 2025

Sadhasivam

... Petitioner

Vs.

State by

Inspector of Police

Melpadi Police Station

Vellore District

... Respondent

Prayer: Criminal Revision Case filed under under Section 397 & 401 Cr.P.C. (438 read with 442 BNSS) to set aside the order dated 02.09.2024 passed by the Judicial Magistrate, Katpadi, Vellore District in Crl.M.P.No.1606 of 2024 in Crime No.56 of 2023 and direct to release the vehicle, Tape Tractor bearing Registration number as TN-23-AK-2253 owned by the petitioner.

For Petitioner

: Mr.D.Thirumoorthy

For Respondent

: Mr.S.Sugendran

Additional Public Prosecutor



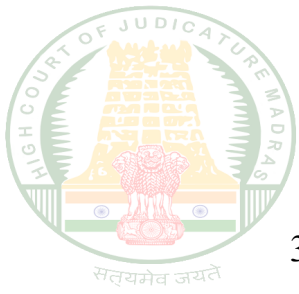
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ORDER

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This Criminal Revision Petition has been filed by the petitioner to set aside the order dated 02.09.2024 passed by the Judicial Magistrate, Katpadi, Vellore District in Crl.M.P.No.1606 of 2024 in Crime No.56 of 2023 and direct to release the vehicle namely Tape Tractor bearing Registration No.TN-23-AK-2253 owned by the petitioner/accused.

2. The case of the petitioner is that the petitioner is the owner of the vehicle namely Tape Tractor bearing Registration No.TN-23-AK-2253. The said vehicle was seized by the respondent police in connection with the case in Crime No.56 of 2023 for the offence under Sections 379 and 430 IPC alleging that the said vehicle was used for illegal transportation of one unit of river sand. Hence, the petitioner filed a petition in Crl.M.P.No.1606 of 2024 under Section 451 and 457 of Cr.P.C. before the Judicial Magistrate, Katpadi, Vellore District seeking return of property, but the said petition was dismissed by order dated 02.09.2024. Hence, challenging the same, the present revision is filed.



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3. The learned Additional Public Prosecutor appearing for the respondent

police submitted that the said vehicle was involved in illegal transportation of 4 units of river sand and therefore, the same was seized by the respondent police.

He further submitted that the investigation has already been completed and charge sheet has also been filed before the Judicial Magistrate, Katpadi through e-filing and that the property has been taken on file in C.P.No.112 of 2024 dated 07.03.2024.

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

5. It is seen that the investigation has already been completed and the charge sheet has also been filed. Therefore, keeping the vehicle in the open space exposing to natural calamities would diminish the value of the property.

6. Therefore, the order passed by the Judicial Magistrate, Katpadi, Vellore dated 02.09.2024 in Crl.M.P.No.1606 of 2024 is **set aside**.

7. The Magistrate is directed to return the vehicle to the petitioner subject to the following conditions that:



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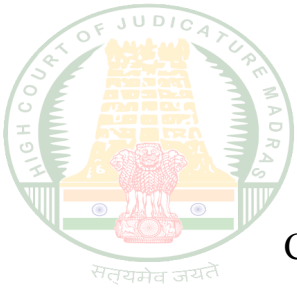
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(i) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Magistrate, on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original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

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

(iii) The petitioner shall deposit a sum of **Rs.1,00,000/-** **(Rupees One Lakh Only) to the credit Crime No.56 of 2023:**

(iv) The petitioner shall also give an undertaking that he 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



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Collector of the District or authorized officer in that behalf by

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the Government;

(v)The petitioner shall participate in the confiscation proceedings, if any initiated, and shall produce the vehicle, before the confiscation authority. This order is subjected to the confiscation proceedings.

8. With the above directions, this Criminal Revision Petition is disposed of.

23.04.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Judicial Magistrate,
Katpadi, Vellore District

2. The Inspector of Police
Melpadi Police Station
Vellore District

3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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