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Crl.RC.No.270 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.270 of 2025

Dhayanithi

... Petitioner

Vs.

State by

Inspector of Police

Tiruvalam Police Station

Vellore District

(Crime No.345 of 2024)

... Respondent

Prayer: Criminal Revision Case filed under under Section 438 read with 442 of B.N.S.S. to set aside the order dated 28.01.2025 passed by the Judicial Magistrate, Katpadi, Vellore District in Crl.M.P.No.120 of 2025 in Crime No.345 of 2024 and direct to release the vehicle, Mini Tipper Lorry bearing Registration No.TN-23-CK-5911 owned by the petitioner.

For Petitioner

: Mr.D.Thirumoorthy

For Respondent

: Mr.S.Sugendran

Additional Public Prosecutor



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ORDER

This Criminal Revision Petition has been filed by the petitioner to set aside the order dated 28.01.2025 passed by the Judicial Magistrate, Katpadi, Vellore District in Crl.M.P.No.120 of 2025 in Crime No.345 of 2024 and direct to release the vehicle viz., Mini Tipper Lorry bearing Registration No.TN-23-CK-5911 owned by the petitioner.

2. The case of the petitioner is that the petitioner/accused is the owner of the vehicle viz., Mini Tipper Lorry bearing Registration No.TN-23-CK-5911. The said vehicle was seized by the respondent police in connection with Crime No.345 of 2024 for the offence under Sections 303(2) and 326(a) of BNS and Section 21(1) of Mines and Minerals (Development & Regulation) Act alleging that the said vehicle was involved illegal transportation of sand. Therefore, the petitioner filed a petition in Crl.M.P.No.120 of 2025 before the Judicial Magistrate, Katpadi, Vellore District seeking return of property, but the same



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was dismissed by order dated 28.01.2025. Aggrieved by the same, the present

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revision is filed.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that the charge sheet was already filed before the Judicial Magistrate, Katpadi through e-filing and the vehicle has also been shown has a case property in C.P. No.183 of 2024.

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

5. It is seen that the charge sheet has already been filed. However, so far no confiscation proceedings have been initiated and keeping the vehicle idle in the open place exposing to the sunlight and other natural calamities, would diminish the value of the vehicle.

6. Therefore, the order dated 28.01.2025 passed by the Judicial Magistrate, Katpadi, Vellore District in Crl.M.P.No.120 of 2025 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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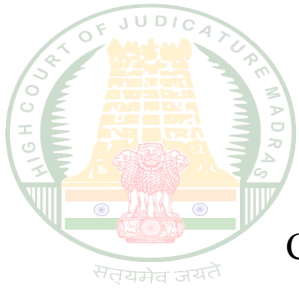
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(i) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.345 of 2024.

(ii) 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;

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

(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.

25.04.2025

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
Tiruvalam Police Station
Vellore District

3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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