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Crl.R.C.No.290 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.290 of 2025

Kannan

... Petitioner

..VS..

The State rep.by
Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai District,
Crime No.341 of 2023.

... Respondent

Criminal Revision Case filed under Sections 438 read with 442 of BNSS, to call for the records in Crl.M.P.No.5005 of 2024 dated 18.12.2024 on the file of the Judicial Magistrate-I, Mayiladuthurai and set aside the same and release the petitioner's vehicle Eicher Tractor 480 Registration No.TN-82-M-4515 along with tipper to the petitioner within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.John Josh

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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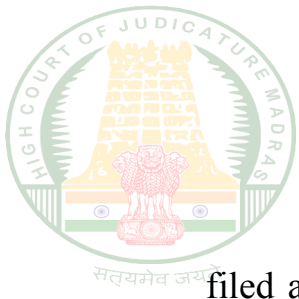
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ORDER

This Criminal Revision Petition has been preferred seeking to set aside the order dated 18.12.2024 made in Crl.M.P.No.5005 of 2024 on the file of the Judicial Magistrate Court No.I, Mayiladuthurai.

2. The respondent-Police registered a case in Crime No.341 of 2023 against the petitioner and others, for the offences under Section 379 IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act and also seized the petitioner's vehicle viz., Eicher Tractor 480, bearing Registration No.TN 82 M 4515 together with Tipper. Hence, the petitioner filed a petition seeking return of the vehicle, which was dismissed by the Court below, against which the petitioner is before this Court with the present Criminal Revision Case.

3. Learned counsel for the petitioner submitted that originally the vehicle in question was purchased in the name of the petitioner's wife Kavitha, through vehicle loan obtained from M/s.Sundaram Finance Limited. Due to family dispute between the petitioner and his wife, she



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filed a Domestic Violence Complaint and also filed a maintenance case

against the petitioner and the same are pending before the Court below.

He further submitted that the said Kavitha did not pay EMIs and as such,

the lender M/s.Sundaram Finance Limited has taken legal proceedings

against the borrower Kavitha. Thereafter, the petitioner settled all

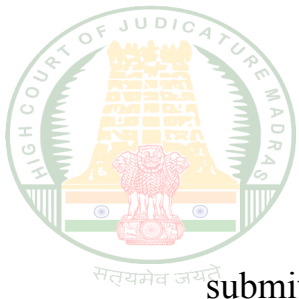
outstanding dues, pursuant to which, the lender has given Cancellation of

Hypothecation letter dated 10.10.2024 to the petitioner and also given

Notice of Transfer of Ownership of the said vehicle in favour of the

petitioner.

4. Learned counsel for the petitioner further submitted that the petitioner is eking out his livelihood through agricultural activities only with the help of the said vehicle and not for any illegal transportation of sand as stated by the prosecution. On the date of occurrence, the driver of the petitioner had taken the vehicle for agricultural purpose, but he did not return the vehicle to the petitioner. After a lapse of two days only, it came to the knowledge of the petitioner the said vehicle has been seized by the respondent on the pretext of illegal sand theft. He further



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submitted that the respondent-Police have falsely implicated the petitioner for the alleged offence. Hence, the petitioner filed a petition in Crl.M.P.No.5005 of 2024 seeking return of the said vehicle. However, the learned Magistrate, erroneously dismissed the petition by citing the family issues, which warrants interference by this Court.

5. Learned counsel for the petitioner further submitted that if the vehicle in question is left idle in the open space, 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, he seeks interim custody of the vehicle and that he would abide by stringent conditions, if any, to be imposed on him.

6. Learned Additional Public Prosecutor appearing for the respondent-Police submitted that one Kavitha, who is the wife of the petitioner herein, is the owner of the subject vehicle and R.C book also stands in her name. Due to family dispute between the petitioner and his wife, the petitioner intended to take the custody of the said vehicle, and



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had filed the petition seeking return of the said vehicle under the guise of owner of the subject vehicle. He further submitted that investigation has not yet been completed and hence, the vehicle in question cannot be released at this stage.

7. On a perusal of the records, it is seen that one Kavitha, who is the wife of the petitioner is the owner of the subject vehicle and R.C.Book also stands in her name. Therefore, the petitioner is not entitled to get the interim custody of the vehicle. It is further seen that, in the present case, investigation is pending and charge sheet is also not yet filed. The release of the vehicle during investigation is purely the discretionary power of the Courts. The learned Judicial Magistrate, by exercising the discretionary jurisdiction, has dismissed the petition filed by the petitioner. This Court, while exercising the revisional jurisdiction, cannot conduct roving enquiry at this stage.

8. Under these circumstances, this Court does not find any perversity or infirmity in the impugned order passed by the Court below.



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Accordingly, this Criminal Revision Petition is dismissed. However, if there is any dispute between the petitioner and his wife, they have to work out their remedy in the manner known to law.

03.03.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Case Citation : Yes / No
ms

To

1. The Judicial Magistrate-I,
Mayiladuthurai.
2. The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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