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CrI.R.C.No.438 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 438 of 2024

M.Suresh

... Petitioner

..VS..

State Rep.by
The Inspector of Police,
Arakkonam Town Police Station,
Ranipet District,
Crime No.260 of 2018.

... Respondent

Criminal Revision Petition filed under Sections 397 read with 401 Cr.P.C., to call for the records in connection with the order passed by Judicial Magistrate, Arakkonam in C.M.P.No.1913 of 2023 dated 28.11.2023 and set aside the same and consequently to direct the respondent to return of the vehicle bearing Registration No.TN32-V-5419 lorry to the petitioner.

For Petitioner : Mr.T.Saravanan
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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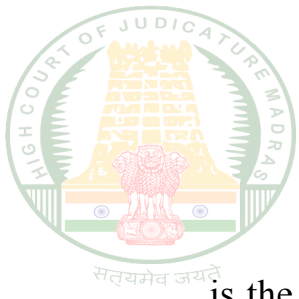
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ORDER

This Criminal Revision Petition is filed against the order dated 28.11.2023 passed in C.M.P.No.1913 of 2023 by the Judicial Magistrate, Arakkonam and consequently, direct the respondent to return the vehicle bearing Registration No.TN-32-V-5419 to the petitioner.

2. The petitioner is the owner of the vehicle namely Lorry, bearing Registration No.TN-32-V-5419, and according to the petitioner, the said vehicle was seized by the respondent-Police in connection with the case in Crime No. 260 of 2018 for the offences punishable under Sections 379 and 430 IPC. Therefore, the petitioner filed a petition in Crl.M.P.No.1913 of 2023 before the Judicial Magistrate, Arakkonam, Vellore District, seeking for interim custody of the said vehicle and the learned Magistrate, *vide* order dated 28.11.2023 dismissed the petition. Challenging the same, the present Criminal Revision Petition is filed by the petitioner.

3. Learned counsel for the petitioner submitted that the petitioner



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is the owner of the subject vehicle and he is not involved in the alleged offence and a false case has been foisted against the petitioner. He further submitted that the said vehicle was seized by the respondent-Police on 25.04.2018 and the same kept outside the police station from the date of seizure and if the vehicle in question is left idle in the open space and exposed to sun and rain, 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, that may be imposed on him.

4. Learned Additional Public Prosecutor appearing for the respondent-Police, submitted that the subject vehicle was used for illegal transportation of three units of gravel soil, which is a mineral and if the vehicle is ordered to be returned, the petitioner may use the vehicle for committing similar offences. He further submitted that the subject vehicle was produced before the Judicial Magistrate Court, Arakkonam in C.P.No.334 of 2023. He further submitted that investigation has not



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yet been completed and hence, he strongly objects to return the property to the petitioner.

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

6. Considering the facts and circumstances and also considering the submissions made by learned counsel on either side, this Court finds that the petitioner is the owner of the vehicle in question and he is not an accused. Therefore, in view of the decision of the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat reported in (2002) 10 SCC 283***, the learned Judicial Magistrate, Arakkonam, is directed to return the vehicle in question to the petitioner on the following conditions:

(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, shall retain the Xerox copy of the same and 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 question in any manner till confiscation



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proceedings are over;

(iii) The petitioner is directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh Only) before the trial Court to the credit of Crime No. 260 of 2018** and on such payment and production of proof, the vehicle shall be returned to the petitioner;

(iv) The petitioner shall also give an undertaking affidavit to the effect 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 Collector of the District or authorized officer in that behalf by the Government;

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

(vi) This order is subjected to the confiscation proceedings.

7. With the above directions, this Criminal Revision Petition is allowed and the impugned order dated 28.11.2023 passed in C.M.P.No.1913 of 2023, is hereby set aside.

22.04.2025



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To

1. The Judicial Magistrate,
Arakkonam.
2. The Inspector of Police,
Arakkonam Town Police Station,
Ranipet District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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