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Crl.R.C.No.589 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. 589 of 2024

Sabarinathan

... Petitioner

..VS..

State Represented by
Inspector of Police,
Virinchipuram Police Station,
Vellore District,
Crime No.248 of 2023.

... Respondent

Criminal Revision Petition filed under Sections 397 read with 401 Cr.P.C., to set aside the order dated 29.01.2024 made in Crl.M.P.No.474 of 2024 on the file of the learned Judicial Magistrate No.IV, Vellore, Vellore District and allow the above Criminal Revision Petition.

For Petitioner : Mr.G.Vinodhkumar
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Revision Petition is preferred against the order dated 29.01.2024 made in Crl.M.P.No.474 of 2024 by the Judicial Magistrate



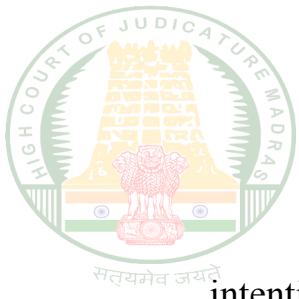
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No.IV, Vellore, Vellore District.

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2. The petitioner is the owner of the vehicle namely Van bearing Registration No.TN-20-AE-4044, TATA 1109, which was seized by the respondent-Police in connection with the case in Crime No. 248 of 2023 for the offences punishable under Sections 379 and 430 IPC read with Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957. Therefore, the petitioner filed a petition in Crl.M.P.No.474 of 2024 before the Judicial Magistrate No.IV, Vellore, seeking for interim custody of the said vehicle and the learned Magistrate, *vide* order dated 29.01.2024 dismissed the petition. Aggrieved by the said order, the present Criminal Revision Petition is filed by the petitioner.

3. Learned counsel for the petitioner submitted that petitioner is the owner of the vehicle and he is in no way connected with the alleged offence and a false has been foisted against the petitioner. The driver of the vehicle only involved in the said offence and the petitioner strictly instructed the driver to use the vehicle only for agricultural purpose and not for any illegal transportation of sand. Further, the petitioner has not



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intentionally involved in the case of illegal transportation of Morambu Soil from the lake. He further submitted that the vehicle in question is left idle in the open space thereby, the condition of the vehicle is getting deteriorated and the value of the vehicle is lost thereby, putting the petitioner to hardship and hence, the petitioner seeks interim custody of the vehicle and that he would abide by stringent conditions, if any, to be imposed on him.

4. Learned Additional Public Prosecutor appearing for the respondent-Police, on instructions, submitted that the petitioner was involved in the case of illegal transportation of Morambu Sand and if the vehicle in question is returned to the petitioner, the same would again be used for similar illegal sand mining. He further submitted that the subject vehicle was also produced before the Court below *vide* C.P.No.409 of 2023, dated 22.12.2023. Further, investigation has not yet been completed and charge sheet has also not been filed and hence, the vehicle in question cannot be released at this stage.

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



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6. Considering the facts and circumstances and also considering the submissions made by learned counsel on either side, this Court finds that the case was registered in the year 2023, but for the past two years, the respondent/Police neither completed the investigation nor the competent authority initiated confiscation proceedings and hence, the vehicle in question is left idle in the open space would not serve any purpose. 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 No.IV, Vellore, 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 proceedings are over;

(iii) The petitioner is directed to deposit a sum of



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Rs.1,00,000/- (Rupees One Lakh Only) before the trial Court to the credit of Crime No. 248 of 2023 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 29.01.2024 passed in Crl.M.P.No.474 of 2024, is hereby set aside.

22.04.2025



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To

1. The Judicial Magistrate No.IV,
Vellore, Vellore District.
2. The Inspector of Police,
Virinchipuram Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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