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CrI.R.C.No.754 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 754 of 2023

Maheswaran

... Petitioner

..VS..

1. State Rep.by
The Inspector of Police,
Mettur Police Station,
Salem District,
Crime No.561 of 2020.

2. The Manager,
Sri Palani Murugan Finance,
Anthiyur, Bhavani Main Road,
Erode – 638 501.

... Respondents

Criminal Revision Petition filed under Sections 397 read with 401 Cr.P.C., to call for the records pertaining to the dismissal order passed in CrI.M.P.No.4492 of 2021 on the file of the Principal District and Sessions Court, Salem and set aside the same subsequently grant interim custody of vehicle Ashok Leyland Tipper (Lorry) bearing registration No.TN 30 AQ 8110 to the petitioner.



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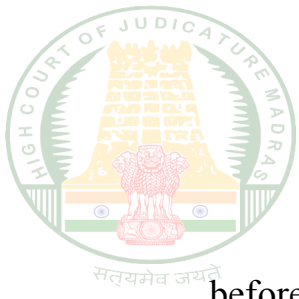
For Petitioner : Mr.C.Deepak Kumar

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor for R1
Ms.S.Sadhana for R2

ORDER

This Criminal Revision Petition is filed against the dismissal order dated 23.12.2022 passed in Crl.M.P.No.4492 of 2021 by the Principal District and Sessions Judge, Salem and subsequently grant interim custody of vehicle Ashok Leyland Tipper (Lorry) bearing registration No.TN 30 AQ 8110 to the petitioner.

2. The petitioner is the owner of the vehicle namely Ashok Leyland Tipper (Lorry) bearing registration No.TN 30 AQ 8110, and according to the petitioner, on 08.10.2020 the said vehicle was seized by the respondent-Police in connection with the case in Crime No. 561 of 2020 for the offences punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957. Therefore, the petitioner filed a petition in Crl.M.P.No.4492 of 2021



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before the Principal District and Sessions Judge, Salem, seeking for interim custody of the said vehicle and the learned Sessions Judge, *vide* order dated 23.12.2022 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 is the owner of the subject vehicle and he is not involved in the alleged offence either directly or indirectly and a false case has been foisted against the petitioner. He further submitted that the said vehicle has been misused by his distant relative - A2 without the knowledge of the petitioner. He further submitted that the vehicle in question is kept in the custody of the respondent-Police from 08.10.2020. 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.



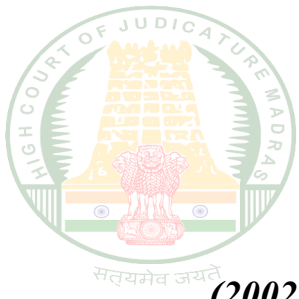
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4. Learned Additional Public Prosecutor appearing for the respondent-Police, submitted that the subject vehicle was used for illegal transportation of two big black stones and if the vehicle is ordered to be returned, the petitioner may use the vehicle for committing similar offences and also it may not be produced during the trial. He further submitted that investigation has not 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 case was registered in the year 2020, but for the past five 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 thereby, the condition of the vehicle is getting deteriorated and the value of the vehicle is lost. 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*



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(2002) 10 SCC 283, the learned Principal District and Sessions Judge,

Salem, 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 **Rs.1,00,000/- (Rupees One Lakh Only) before the trial Court to the credit of Crime No. 561 of 2020** 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



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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 23.12.2022 passed in Crl.M.P.No.4492 of 2021, is hereby set aside.

22.04.2025

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To

1. The Principal District and Sessions Judge,
Salem.
2. The Inspector of Police,
Mettur Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

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P.VELMURUGAN, J.

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