



Crl.R.C.No.727 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.727 of 2024

Maheshwari

... Petitioner

Vs

The State Rep By
The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.

... Respondent

PRAYER: Criminal Revision Case is filed under Section 397 read with 401 of Code of Criminal Procedure, to set aside the order passed by the Learned Judicial Magistrate, Sankarapuram, Kallakurichi district in CRL.MP.No.1129 of 2024 dated 08.03.2024.

For Petitioner : Mr.S.J.Raja Janakiraman

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER

This Criminal Revision has been filed challenging the order dated 08.03.2024 made in Crl.M.P.No.1129 of 2024 passed by the Judicial Magistrate, Sankarapuram, Kallakurichi district, thereby dismissing the petition filed for return of property.



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2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The petitioner owned a JCB Vehicle bearing Registration No.TN 32 AH 9324. It was hired by the accused to transport vandal sand weighing one unit. The accused illegally transported the same without any valid permit and as such, the respondent registered FIR in Crime No.431 of 2023 for the offence punishable under Section 379 of IPC.

4. Pursuant to the registration of FIR, the vehicle has been seized and produced before the Court. Though the petitioner is the owner of the vehicle, she has also been arrayed as A4. She filed a petition for return of property and the same was dismissed, without considering the fact that the petitioner's vehicle was used for transportation of vandal sand that too from the patta land.

5. In view of the above, this Court is inclined to return the vehicle. Accordingly, the order dated 08.03.2024 made in Crl.M.P.No.1129 of 2024 passed by the Judicial Magistrate, Sankarapuram, Kallakurichi district, is hereby set aside. The Judicial Magistrate, Sankarapuram, Kallakurichi district, is directed to return the JCB Vehicle bearing Registration No.TN 32 AH 9324



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to the petitioner, forthwith on the following conditions:-

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(i) the petitioner is directed to execute a own bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) to the satisfaction of the concerned Magistrate to the credit of Crime No.431 of 2023 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original registration certificate of the vehicle with the concerned Magistrate.

(iii) the seized item should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner.

(iv) the petitioner shall not alienate and shall not make any alteration in the vehicle.

(v) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

(vi) If any of the conditions are violated, this order automatically stands cancelled.



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6. Accordingly, the Criminal Revision Case stands allowed.

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To

1. The Judicial Magistrate, Sankarapuram, Kallakurichi district.
2. The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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