



Crl.R.C.No.1051 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2025

CORAM:

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

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Tamizhselvan

... Petitioner

Vs

The State Rep By
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
Cr.No.1693 of 2021.

... Respondent

PRAYER: Criminal Revision Case is filed under Section 397 read with 401 of Code of Criminal Procedure, to call for the records in connection with the in Crl.M.P.No.2756 of 2023 order dated 09.02.2024 passed by the District and Sessions Judge at Mayiladuthurai, and set aside the same as illegal and improper.

For Petitioner : Mr.C.T.Saravanan

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER

This Criminal Revision has been filed challenging the order dated 09.02.2024 made in Crl.M.P.No.2756 of 2023 passed by the District and Sessions Judge at Mayiladuthurai, 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 Tractor attached with Tipper bearing Registration No.TN 31 CB 4513. It was hired by the accused to transport savudu sand weighing $\frac{3}{4}$ unit. The accused illegally transported the same without any valid permit and as such, the respondent registered FIR in Crime No.1693 of 2021 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. The petitioner filed a petition for return of property and the same was dismissed.

5. Considering the facts and circumstances of the case and also quantum of sand involved, this Court is inclined to return the vehicle. Accordingly, the order dated 09.02.2024 made in Crl.M.P.No.2756 of 2023 passed by the District and Sessions Judge at Mayiladuthurai, is hereby set aside. The District and Sessions Judge at Mayiladuthurai, is directed to return the Tractor bearing Registration No.TN 31 CB 4513 to the petitioner, forthwith



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on the following conditions:-

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(i) the petitioner is directed to execute a own bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.1693 of 2021 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.

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 District and Sessions Judge at Mayiladuthurai.
2. The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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