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Crl.RC.No.1452 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1452 of 2023

Kannan

... Petitioner

Vs.

The State Rep. by

Inspector of Police

Oomangalam Police Station, Cuddalore District

(Crime No.57 of 2021)

... Respondent

Prayer: Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. to set aside the order in Crl.M.P.No.2760 of 2022 dated 12.09.2022 passed by the learned Principal District Judge, Cuddalore District and consequently direct the respondent to return the petitioner's vehicle namely JCB bearing Registration No.TN97-Y-4658 to the petitioner as interim custody.

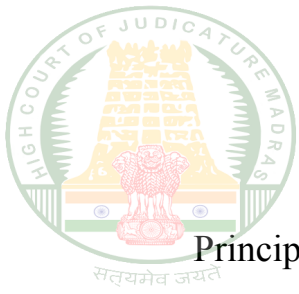
For Petitioner : Mr.T.Meganathan

For Respondent : Mr.S.Sugendran

Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order in Crl.M.P.No.2760 of 2022 dated 12.09.2022 passed by the learned



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Principal District Judge, Cuddalore District and consequently direct the

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respondent to return the petitioner's vehicle namely JCB bearing Registration No.KA-16-M-2981 to the petitioner as interim custody.

2. The case of the petitioner is that the petitioner's vehicle namely JCB bearing Registration No.KA-16-M-2981 was seized by the respondent police and the petitioner was arrayed as an accused in Crime No.57 of 2021 for the offence under Section 379 IPC read with 21(1) of Mines and Minerals (Development and Regulation) Act alleging that on 15.02.2021, the petitioner along with other accused committed theft of sand by using the said vehicle. Thereafter, the petitioner filed a petition in Crl.M.P.No.2760 of 2022 invoking Section 451 Cr.P.C. before the Principal District Judge, Cuddalore District seeking interim custody of the vehicle. The said petition was dismissed by order dated 12.09.2022. Challenging the same, the present revision is filed.

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

4. It is seen that the said vehicle was already involved in Crime No.66 of



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2020 and by order dated 27.01.2021 in Crl.M.P.No.327 of 2021, the petitioner

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has obtained the interim custody of the vehicle and subsequently, on 15.02.2021, the said vehicle has been involved for the same nature of offence and therefore, the Magistrate has dismissed the petition filed by the petitioner.

5. Further, it is submitted by the learned Additional Public Prosecutor that the investigation has been completed and the charge sheet has also been filed before the District Munsif cum Judicial Magistrate, Neyveli, on 12.03.2025 vide e-filing No.ITN20220002143C202500026 and that the vehicle has also been marked as case property in C.P.No.67 of 2021. However, the respondent police have not taken any steps for confiscation. The FIR is of the year 2021. If the vehicle is kept ideal without using and without confiscating, the definitely value of the vehicle would diminish and nobody would get any benefit.

6. Therefore, the petitioner is directed to deposit a sum of Rs.1 lakh (Rupees One Lakh Only) to the credit of Crime No.57 of 2021 before the



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District Munsif cum Judicial Magistrate, Neyveli, within a period of 10 days

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from the date of receipt of a copy of this order.

7. On such payment is being made, the Magistrate is directed to hand over interim custody of the vehicle to the petitioner after obtaining the original RC Book and appropriate undertaking from the petitioner that the petitioner will not alienate the vehicle or change the body, Engine number, Chasis Number of the vehicle and that the petitioner would produce the vehicle as and when required either for trial or for confiscation.

8. With the above directions, this Criminal Revision Case is disposed of.

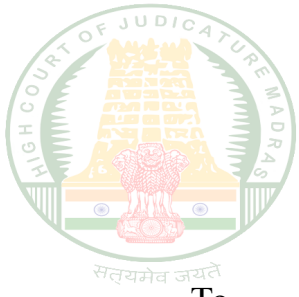
13.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To
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1. The Principal District Judge,
Cuddalore District
2. The Inspector of Police
Oomangalam Police Station
Cuddalor District
3. The Public Prosecutor
High Court of Madras

Copy to

The District Munsif cum Judicial Magistrate,
Neyveli.



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P.VELMURUGAN. J.

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