



Crl.R.C.No.1641 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2025

CORAM:

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

Crl.R.C.No.1641 of 2023

Shanmugam

... Petitioner

Vs

State Rep By
Inspector of Police,
Aanandhapuram Police Station,
Villupuram District.

Cr.No.60 of 2022.

... Respondent

PRAYER: Criminal Revision Case is filed under Sections 397 and 401 of Code of Criminal Procedure, to call for the records and set aside the order dated 31.08.2023, passed in Crl.MP.4727 of 2023 on the file of the learned Judicial Magistrate, Gingee.

For Petitioner : Mr.G.Mohammed Aseef

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER

This Criminal Revision has been filed challenging the order dated 31.08.2023, passed in Crl.MP.4727 of 2023 on the file of the learned Judicial Magistrate, Gingee, thereby dismissing the petition filed for return of property.

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



Crl.R.C.No.1641 of 2023

materials placed on record.

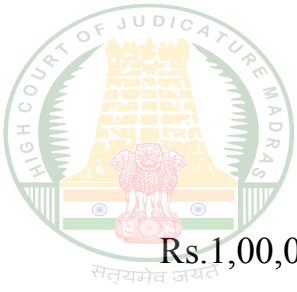
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3. The petitioner owned a Escorts Itachi Crane bearing Registration No.TN 18 3463. It was hired by the accused to transport granite stones. The accused illegally transported the same without any valid permit and as such, the respondent registered FIR in Crime No.60 of 2022 for the offence punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

4. Pursuant to the registration of FIR, the vehicle has been seized and produced before the Court. Therefore, the petitioner filed a petition for return of property and the same was dismissed.

5. Considering the facts and circumstances of the case, this Court is inclined to return the vehicle. Accordingly, the order dated 31.08.2023, passed in Crl.MP.4727 of 2023 on the file of the learned Judicial Magistrate, Gingee, is hereby set aside. The Judicial Magistrate, Gingee, is directed to return the Escorts Itachi Crane bearing Registration No.TN 18 3463 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute a own bond for a sum of



Crl.R.C.No.1641 of 2023

Rs.1,00,000/- (Rupees One Lakh only) to the satisfaction of the concerned Magistrate to the credit of Crime No.60 of 2022 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.



Crl.R.C.No.1641 of 2023

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6. Accordingly, the Criminal Revision Case stands allowed.

26.08.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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Crl.R.C.No.1641 of 2023

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To

1. The Judicial Magistrate, Gingee.
2. The Inspector of Police,
Aanandhapuram Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court, Madras.



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Crl.R.C.No.1641 of 2023

G.K.ILANTHIRAIYAN. J.

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Crl.R.C.No.1641 of 2023

26.08.2025