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CRL RC NO. 56 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-01-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL RC NO. 56 of 2025

RAMESH

S/o.Adhimoolam, No.4/94, Kollu Medu, Kankuppam Gramam,
Kanguppam, Vellore, Chennai-632 209.

Petitioner(s)

Vs

The State Rep By

The Sub - Inspector Of Police, K.V.Kuppam Police Station,
Vellore-632 201. Cr.No.177/2024.

Respondent(s)

For Petitioner(s):

Mr.B.S.Manikandan

For Respondent(s):

Mr.S.Udaya Kumar Govt Advocate (crl Side)

ORDER

The revision challenges the dismissal of the petitioner's application for return of the vehicle bearing Registration No.TN-72-BH-9483.

2. The allegation against the petitioner is that he used the lorry bearing Regn.No.TN-72-BH-9483 to transport 3 units of red sand and thus, committed the offence under Sections 379 and 430 of IPC read with Section 21(1) of Mines and Minerals



(Development and Regulation) Act. During the course of investigation, the said

was seized by the respondent police on 14.06.2024. The petitioner sought for return of property, which was dismissed by the trial Court.

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3. The learned counsel for the petitioner would submit that the vehicle is kept idle in the police station; that it is subjected to the vagaries of weather; that it would become a scrap and even if confiscation proceedings are initiated, later it would not fetch any money; and that the petitioner is ready to comply with any stringent condition that this Court may impose and, prayed for return of the vehicle.

4. The learned Government Advocate (Crl.Side), on instructions, submitted that the confiscation proceedings is yet to be initiated; and that there are no previous cases pending against the petitioner.

5. This Court is of the view that the vehicle cannot be kept idle in an open space and its value cannot be allowed to be diminished as held by the Hon'ble Supreme Court. Considering the submissions made on either side and since admittedly, the petitioner is the owner of the lorry and there are no previous cases pending against the petitioner, the interim custody of the vehicle can be handed over to the petitioner on stringent conditions.



6. Accordingly, this Criminal Revision Case is allowed and the impugned order

19.10.2024 passed by the learned Judicial Magistrate, Katpadi in CrI.M.P.No.2950 of

2024 in Crime No.177 of 2024 is set aside. In view of the same, the respondent is

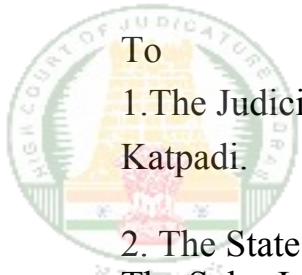
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directed to return the vehicle viz., Ashok Leyland Tipper Lorry bearing Registration

No.TN-72-BH-9483 to the petitioner on the following conditions:

- (i) The petitioner shall execute a personal bond for a sum of Rs.8,00,000/- (Rupees eight Lakhs only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Katpadi;
- (ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned Judicial Magistrate, Katpadi, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;
- (iii) The petitioner shall not alter or alienate the vehicle in any manner;
- (iv) The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the court below.
- (v) The return of property would be subject to the result of the confiscation proceedings, if any initiated by the respondent in future.

24-01-2025



To

1.The Judicial Magistrate,
Katpadi.

2. The State Rep By
The Sub - Inspector Of Police,
K.V.Kuppam Police Station,
Vellore-632 201.
Cr.No.177/2024.

3.The Public Prosecutor,
High Court, Madras.





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