



Crl.R.C.(MD)No.97 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

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THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.97 of 2025

Kumar

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Lalapet Police Station,
Karur District.
(Crime No.3 of 2024)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to call for the entire records pertaining to the order passed by the learned Principal District and Sessions Judge, Karur in Crl.M.P.No.214 of 2024 vide order dated 04.03.2024 and set aside the same and consequently, direct the learned Principal District and Sessions Judge, Karur to return the petitioner's Ashok Leyland Taurus Lorry bearing Registration No.TN-30-R-3584 in connection with the case in Crime No.3 of 2024 on the file of the respondent police.



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For Petitioner : Mr.A.Azhageson

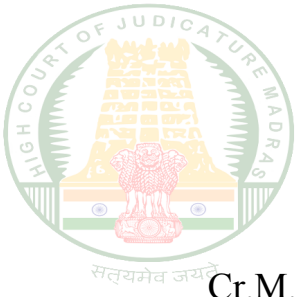
For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

ORDER

The Criminal Revision Case is directed against the order, dated 04.03.2024, passed in Cr.M.P.No.214 of 2024 on the file of the learned Principal District and Sessions Judge, Karur dismissing the petition filed under Section 451 of Cr.P.C.

2. The petitioner claims to be the owner of the vehicle Ashok Leyland Taurus Lorry bearing Registration No.TN-30-R-3584. On 05.01.2024, the respondent police seized the vehicle on the ground that the vehicle was involved in commission of theft of river sand, and registered a case in Crime No.3 of 2024 for the offence under Section 379 of IPC r/w Section 21(1) of the Mines and Minerals (Development & Regulation) Act.

3. It is not in dispute that the petitioner has approached the learned Principal District and Sessions Judge, Karur by filing a petition for the return of vehicle bearing registration No.TN-30-R-3584 in



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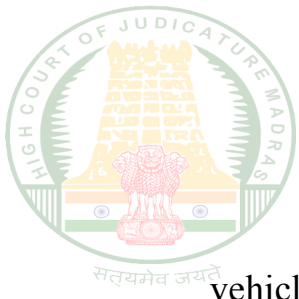
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Cr.M.P.No.214 of 2024, and the learned Principal District and Sessions Judge, Karur, vide order dated 04.03.2024, has dismissed the said petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5. The learned counsel appearing for the petitioner would submit that the vehicle Ashok Leyland Taurus Lorry bearing Registration No.TN-30-R-3584 is owned by the petitioner, and the said vehicle has no connection whatever with the alleged occurrence, and the vehicle is with the police for the past one year, and if the vehicle is kept in open place, the value of the said vehicle will get deteriorated. Therefore, interim custody of the vehicle may be granted to the petitioner.

6. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the owner of the



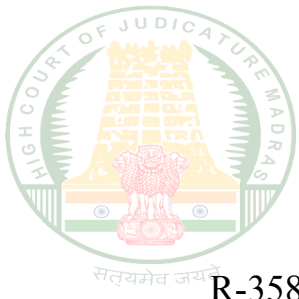
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vehicle bearing registration No.TN-30-R-3584, and the vehicle was involved in commission of theft of river sand. He would further submit that the confiscation proceeding has not been initiated yet. He would further submit that the value of the property comes to Rs.10,00,000/- (Rupees Ten Lakhs only).

7. In this case, the vehicle was seized on 05.01.2024. The vehicle is kept in the open place from 05.01.2024 onwards. Further, if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody. Considering the over all facts and circumstances of the case, this Court is inclined to allow this revision by following the principle of law laid down by the Honourable Supreme Court, in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat [2002 (10) SCC 283]***.

8. Accordingly, this Criminal Revision Case is allowed, and the order, dated 04.03.2024, passed in Cr.M.P.No.214 of 2024 by the learned Principal District and Sessions Judge, Karur is hereby set aside and the vehicle Ashok Leyland Taurus Lorry bearing Registration No.TN-30-



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R-3584, is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern department or by the Court on the following conditions :

(i) the petitioner is directed to deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** as non-refundable deposit for the said vehicle to the credit of the District Mineral Foundation Trust, Karur District;

(ii) On such deposit, the petitioner shall execute a bond for a sum of Rs.6,00,000/- (Rupees Six Lakhs only) with two sureties for a likesum to the satisfaction of the learned Principal District and Sessions Judge, Karur;

(iii) the vehicle shall be photographed in different angle and the engine and chassis number shall also be photographed in the presence of the Head Clerk of the learned Principal District and Sessions Judge, Karur at the cost of the petitioner and the petitioner's signature to be obtained in the backside of the photographs, and the said photographs and CD shall be kept in the case bundle for the purpose of marking them as material objects during trial;

(iv) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Principal District and Sessions Judge, Karur;



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(v) the petitioner shall not alienate and shall not alternate the physical features of the vehicle till the disposal of the case; and

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

28.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The learned Principal District and Sessions Judge,
Karur.
- 2.The Inspector of Police,
Lalapet Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.VADAMALAI, J.

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