



Crl.R.C.(MD)No.20 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.20 of 2025

K.Subbiah

... Petitioner

Vs.

1.State through
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
(Crime No.116 of 2024)

2.Muthappan

3.Udhayasuriyan

... Respondents

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records pertaining to the impugned order passed by the learned District Munsif cum Judicial Magistrate, Cheranmahadevi in Cr.M.P.No.1956 of 2024 dated 30.10.2024 and to set aside the same as illegal.



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For Petitioner : Mr.G.Karuppasamy Pandiyan
For R1 : Mrs.M.Aasha
Government Advocate (Crl. Side)
For R2 & R3 : No appearance

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.1956 of 2024 dated 30.10.2024 on the file of the District Munsif cum Judicial Magistrate, Cheranmahadevi, dismissing the petition filed under Sections 451 and 457 Cr.P.C.

2. It is evident from the records that the Revenue Tahsildar has submitted a report stating that he seized the vehicle bearing Registration No.PY-01-AF-5180, which was involved in illegal transporting of sand and on that basis, FIR came to be registered in Crime No.116 of 2024 for the offences under Section 379 IPC and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957. It is further evident that the first respondent police has received the vehicle from the revenue side and produced the same before the jurisdictional Court and the said property came to be remanded in P.R.No.316 of 2024.



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3. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, for returning of the said vehicle in Crl.M.P.No.1956 of 2024 and the learned Judicial Magistrate, vide order dated 30.10.2024, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

4. It is also not in dispute that the first respondent police, after completing the investigation, has already filed the charge sheet and the case was taken on file in C.C.No.547 of 2024 and the same is pending on the file of the Judicial Magistrate, Cheranmahadevi.

5. The learned counsel appearing for the petitioner would submit that the petitioner is the present owner of the vehicle and that the originally Registration Certificate stands in the name of the second respondent and subsequently, the same was transferred in the name of the third respondent.

6. Though notices were taken to the respondents 2 and 3 to the



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address at Pondicherry and at Tiruchendur, the same came to be returned as no such persons available. Hence, this Court directed the first respondent police to take necessary steps to serve notice on the respondents 2 and 3. In the counter affidavit, the first respondent police has specifically observed that no such persons were available in the said address and the houses were laying vacant.

7. The learned counsel appearing for the petitioner would submit that the petitioner is claiming only interim custody and in case of any counter claim, the first respondent police is at liberty to take necessary action and that the petitioner undertakes to effect the name transfer within a stipulated time and produce the original RC book before the concerned Court. He would further submit that the vehicle bearing Registration No.PY-01-AF-5180 is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, that if the vehicle is kept in open place, the value of the said vehicle will get deteriorated and that therefore interim custody may be granted to the petitioner.



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8. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that the petitioner is not having any previous cases and more importantly, is not an accused in this case and that the said vehicle was not involved in any other cases.

9. Considering the facts and circumstances of the case and also the fact that 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, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 30.10.2024 passed in Crl.M.P.No.1956 of 2024, by the learned District Munsif cum Judicial Magistrate, Cheranmahadevi.

10. Accordingly, this Criminal Revision Case stands allowed and the order dated 30.10.2024 passed in Crl.M.P.No.1956 of 2024 by the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, is hereby set aside and the vehicle/JCB vehicle bearing Registration No.PY-01-AF-5180, 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:-



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- (a) the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as non-refundable deposit for the said vehicle to the credit of the District Mineral Foundation Trust, Tirunelveli District;
- (b) the petitioner shall execute a bond for a sum of **Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned District Munsif cum Judicial Magistrate, Cheranmahadevi within a period of one month from the date on which name transfer is made in favour of the petitioner;
- (d) The petitioner shall give an undertaking before the respondent/ authority concerned stating that he will not use the vehicle in question for any illegal activities in future, failing which the respondent/trial Court is at liberty to confiscate the vehicle;
- (e) the petitioner shall not alienate and shall not make any alteration in the vehicle;



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

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The District Munsif cum Judicial Magistrate,
Cheranmahadevi.
- 2.The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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Order made in
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