



Crl.R.C.(MD)No.27 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2025

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THE HONOURABLE MR.JUSTICE P.VADAMALAI

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Marimuthu

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Malaiyur Police Station,
Pudukkottai District.
(Crime No.155 of 2024)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to call for the records relating to set aside the order passed in Cr.M.P.No.2139 of 2024 on the file of the District Munsif cum Judicial Magistrate, Karambakudi, Pudukkottai District dated 04.12.2024 in Crime No.155 of 2024 on the file of the respondent police.

For Petitioner : Mr.D.Rameshkumar

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The Criminal Revision Case is directed against the order, dated 04.12.2024, passed in Cr.M.P.No.2139 of 2024 on the file of the learned



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District Munsif cum Judicial Magistrate, Karambakkudi dismissing the petition filed under Sections 451 and 497 of BNSS.

2. The petitioner claims to be the owner of the vehicle Mahendra Goods Carrier Thosth bearing Registration No.TN-55-BK-1675. On 05.09.2024, the respondent police seized the vehicle on the ground that the vehicle was used for transporting 1 unit of river sand without any valid license or permit, and registered a case in Crime No.155 of 2024 for the offence under Section 303(2) of BNS 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 District Munsif cum Judicial Magistrate, Karambakkudi by filing a petition for the return of vehicle, viz. Mahendra Goods Carrier Thosth bearing Registration No.TN-55-BK-1675, in Cr.M.P.No.2139 of 2024, and the learned District Munsif cum Judicial Magistrate, Karambakkudi, vide order dated 04.12.2024, has dismissed the said petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



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4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5. The learned counsel appearing for the petitioner would submit that the vehicle Mahendra Goods Carrier Thosth bearing Registration No.TN-55-BK-1675 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 four months, 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 Additional Public Prosecutor appearing for the respondent would submit that the petitioner, who has been arrayed as A1 in the aforesaid case, is the owner of the vehicle Mahendra Goods Carrier Thosth bearing Registration No.TN-55-BK-1675, and the vehicle was used for transporting one unit of river sand illegally. Further, he would submit that the case property was seized and produced before the trial Court in R.P.No.145 of 2024.



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7. In this case, the vehicle was seized on 05.09.2024. The vehicle is kept in the open place from 05.09.2024 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 04.12.2024, passed in Cr.M.P.No.2139 of 2024 by the learned District Munsif cum Judicial Magistrate, Karambakkudi is hereby set aside and the vehicle Mahendra Goods Carrier Thosth bearing Registration No.TN-55-BK-1675 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.15,000/- (Rupees Fifteen Thousand only)** as non-refundable deposit for the said vehicle to the credit of



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the Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, Virudhunagar District, Account No.:30700985498, State Bank of India, Tiruchuli, IFSC Code : SBIN0003832;

(ii) On such deposit, the petitioner shall execute a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Karambakkudi;

(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 District Munsif cum Judicial Magistrate, Karambakkudi 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 District Munsif cum Judicial Magistrate, Karambakkudi;



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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;

08.01.2025

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

- 1.The learned District Munsif cum Judicial Magistrate,
Karambakkudi, Pudukottai District.
- 2.The Inspector of Police,
Malaiyur Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.VADAMALAI, J.

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