



CrI.R.C(MD)No.26 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CrI.R.C(MD)No.26 of 2025

Tamilselvi

... Petitioner

Vs.

1. The State of Tamil Nadu rep.by
The Inspector of Police,
Malaiyur Police Station,
Pudukkottai District.
(In Crime No.182 of 2024)

2.The Branch Manager,
Sakthi Finance,
No.45, First Floor, Subramaniapuram,
South 4th Street, Karaikudi,
Sivagangai District.

... Respondents

PRAYER : Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records and to set aside the order passed in Cr.M.P.No.2138 of 2024 on the file of the District Munsif-cum-Judicial Magistrate, Karambakudi, Pudukkottai District, dated 04.12.2024 in Crime No.182 of 2024 on the file of the respondent police and allow this criminal revision petition.

For Petitioner	: Mr.D.Rameshkumar
For R1	: Mr.R.M.Anbunithi Additional Public Prosecutor
For R2	: No Appearance



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ORDER

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The Criminal Revision Case is filed against the order passed in Crl.M.P.No.2138 of 2024, dated 04.12.2024 on the file of the learned District Munsif-cum-Judicial Magistrate, Karambakudi, Pudukkottai District.

2. The petitioner is the owner of the vehicle viz., JCB bearing Registration No.TN-55-BB-9198. On 27.10.2024, the respondent police has registered a case in Crime No.182 of 2024 for the offences under Section 303(2) of BNS, 2023 r/w 21(2) of Mines and Minerals (Development and Regulation) Act, and seized the above said vehicle bearing Registration No.TN-55-BB-9198 for illegal transportation of river sand.

3. It is not in dispute that the petitioner has approached the learned District Munsif-cum-Judicial Magistrate, Karambakudi, Pudukkottai District, for returning of the said vehicle in Cr.M.P.No.2138 of 2024 and the learned District Munsif-cum-Judicial Magistrate, Karambakudi, vide order, dated 04.12.2024, has dismissed the petition. Aggrieved by the



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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 Additional Public Prosecutor appearing for the first respondent. Though the name of the second respondent has been printed in the cause list there is no representation for the second respondent.

5. The learned counsel appearing for the petitioner would submit that the vehicle bearing Registration No.TN-55-BB-9198 is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, that the vehicle is with the police for more than three months, 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. He would further submit that the original R.C. book is with the second respondent/finance company and that he is not in a position to produce the original R.C. book.



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6. The learned Additional Public Prosecutor appearing for the first respondent would submit that the petitioner has been arrayed as Accused No.1 and he is the owner of the vehicle. He would further submit that the confiscation proceeding has not yet been initiated.

7. In this case, the vehicle was seized on 27.10.2024. The vehicle is keeping in the open place from 27.10.2024 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*** reported in **2002 (10) SCC 283**.

8. Accordingly, this Criminal Revision Petition is allowed and the order, dated 04.12.2024 passed in Cr.M.P.No.2138 of 2024 by the learned District Munsif-cum-Judicial Magistrate, Karambakudi, Pudukkottai District, is hereby set aside and the vehicle/JCB bearing



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Registration No.TN-55-BB-9198, 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, Pudukottai District;

(ii) the petitioner shall execute a bond for a sum of **Rs.7,00,000/- (Rupees Seven Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Karambakudi, Pudukkottai District;

(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 District Munsif-cum-Judicial Magistrate Court, Karambakudi, Pudukkottai District 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 marking a material object during trial;



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(iv) The petitioner shall produce self attested photocopy of the RC Book relating to the JCB bearing registration No.TN-55-BB-9198 before the learned District Munsif-cum-Judicial Magistrate, Karambakudi, Pudukkottai District;

(v) the petitioner shall not alienate and shall not make any alteration in the vehicle;

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

(vii) the petitioner shall co-operate with the trial Court for disposal of the case.

29.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD



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To

- 1.The District Munsif-cum-Judicial Magistrate,
Karambakudi,
Pudukkottai District.
- 2.The Inspector of Police,
Malaiyur Police Station,
Pudukkottai District.
(In Crime No.182 of 2024)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

P.VADAMALAI, J.



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