



Crl.O.P.(MD)No.1399 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1399 of 2025

Pandiraj

... Petitioner

Vs.

The State of Tamil Nadu,
The Inspector of Police,
Thiruppunavasal Police Station,
Pudhukottai.
(Crime No.40 of 2024)

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records pertaining to the order passed in Crl.R.P.No.28 of 2024 by the learned Principal District and Sessions Court, Pudhukottai dated 11.09.2024 by conforming the order passed by the learned District Munsif Cum Judicial Magistrate, Manamelkudi in Crl.M.P.No.895 of 2024 dated 25.07.2024 to set aside the same.

For Petitioner : Mr.S.Manojkumar

For Respondent : Mr.A.Thiruvadi Kumar
Additional Advocate General



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ORDER

The petitioner is the owner of the vehicle namely, TATA MF 241 DI Tractor Tractor bearing Registration No.TN-55 BY 8244 and he had filed a petition seeking return of his vehicles, which involved in a case in Crime No.40 of 2024, in Crl.M.P.No.895 of 2024. The said petition was dismissed. Challenging the same, the petitioner has filed a revision in Crl.R.P.No.28 of 2024 before the learned Principal District and Sessions Judge, Pudhukottai and the same was dismissed by order dated 11.09.2024. Aggrieved against the same, the present petition is filed.

2.The contention of the petitioner is that the petitioner is an agriculturists and he is using the Tractor for agricultural works and the said vehicle has been seized by the respondent police on 04.05.2024 and produced before the learned Magistrate concerned and thereafter, it was given in custody to the police. Now the vehicle is under the custody of the respondent police exposing to sunlight and rain. He further contended that the vehicle has been purchased by availing financial assistance from a private finance limited. In view of the custody of the vehicle, the petitioner is not able to pay his monthly EMI. If the petitioner fails to to pay EMI, the vehicle will be taken possession by the



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financier. Further, if the vehicle continues to be stand in an open air for a long period exposing to bad weather, it would make the vehicle unusable.

3.The learned Additional Public Prosecutor would submit that the petitioner's vehicle is involved in yet another case of similar nature. He further submitted that the petitioner in the habit of doing illegal transportation of mines and minerals. Hence, the petitioner's contention that the petitioner is using his vehicle for agricultural property, is strongly denied and return of vehicle to the petitioner would only further make the petitioner to continue to indulge in similar activities and prayed for dismissal of this petition.

4.Considering the facts and circumstances of the case, this Court is of the view that if the vehicle is kept in open yard exposing to sunlight and rain, the condition of the said vehicle will get deteriorate day-by-day and the value of the vehicle will get diminished. Further, the petitioner had purchased the vehicle by availing financial assistance from a private finance company and without this vehicle the petitioner is not in a position to pay his monthly EMI.



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5.In view of the foregoing reasons, the order of dismissal dated 11.09.2024 in Cr.R.P.No.28 of 2024, passed by the learned Principal District and Sessions Judge, Pudhukottai is set aside and this Criminal Original Petition is **allowed** with a direction to the learned Principal District and Sessions Judge, Pudhukottai, to release the petitioner's vehicle, namely, TATA MF 241 DI Tractor Trailor bearing registration No.TN-55 BY 8244 to the petitioner on the following terms and conditions:-

i. The petitioner shall furnish an indemnity bond of Rs.10,000/~ (Rupees Ten Thousand Only) with two solvent sureties, undertaking to produce the vehicle as and when directed by the court.

ii. The petitioner shall not sale, mortgage or transfer the ownership of the vehicle during the pendency of the case.

iii. The petitioner shall not change or tamper with the identification of the vehicle in any manner during pendency of the case.

iv. Any other condition, if any, to be imposed by the trial court.



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6.At this juncture, the learned counsel for the petitioner submits that the RC book of the petitioner's vehicle is detained by the respondent police in Crime No.6 of 2024. The said fact shall also be verified at the time of entertaining the bond to be executed by the petitioner.

24.01.2025

NCC : Yes / No
Index : Yes / No
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To

- 1.The Principal District and Sessions Court,
Pudhukottai.
- 2.The Inspector of Police,
Thiruppunavasal Police Station,
Pudhukottai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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