



Crl.R.C.(MD)No.117 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.117 of 2025

Ponraj

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records relating to the order passed in Crl.M.P. No.757 of 2024 dated 19.11.2024 on the file of the learned District Munsif cum Judicial Magistrate, Thiruchuli and set aside the same.

For Petitioner : Mr.P.T.Ramesh Raja

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



Crl.R.C.(MD)No.117 of 2025

WEB COPY

ORDER

The Criminal Revision Case is directed against the order, dated 19.11.2024, passed in Crl.M.P.No.757 of 2024 on the file of the learned District Munsif cum Judicial Magistrate, Thiruchuli dismissing the petition filed under Sections 497 and 503 of Cr.P.C.

2. The petitioner claims to be the owner of the vehicle, viz. Mahindra 575 YUVO TECH PLUS 4WD bearing Chassis No.MBNPFALVFPZB00300 and Engine No.ZPB2GRF1104. On 16.09.2024, the respondent police seized the vehicle on the ground that the vehicle was used for transporting $\frac{3}{4}$ unit of sand without any valid license or permit, and registered a case in Crime No.286 of 2024 for the offence under Sections 303(2) of BNS r/w 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, Thiruchuli by filing a petition for the return of vehicle, viz. Mahindra 575 YUVO TECH PLUS



Crl.R.C.(MD)No.117 of 2025

4WD bearing Chassis No.MBNPFALVFPZB00300 and Engine No.ZPB2GRF1104, in Cr.M.P.No.3695 of 2024. The learned District Munsif cum Judicial Magistrate, Thiruchuli vide her order, dated 19.11.2024, 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 Additional Public Prosecutor appearing for the respondent.

5. The learned counsel appearing for the petitioner would submit that the vehicle, Mahindra 575 YUVO TECH PLUS 4WD bearing Chassis No.MBNPFALVFPZB00300 and Engine No.ZPB2GRF1104, in question is new one, and was purchased on 26.01.2024. The petitioner is not having the RC Book for the said vehicle. A copy of invoice, along with a copy of insurance and EMI receipt, has been enclosed to show that the petition mentioned vehicle 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.



Crl.R.C.(MD)No.117 of 2025

WEB COPY

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 vehicle, which was used for transporting $\frac{3}{4}$ unit of sand without valid license or permit, is a new vehicle, and the petitioner has also been arrayed as A2 in the aforesaid case. The case property was seized and produced before the trial Court in P.R.No.151 of 2024. Further, he would submit that the value of the vehicle comes to Rs.7,00,000/- (Rupees Seven Lakhs only).

7. In this case, the vehicle was seized on 16.09.2024. The vehicle is kept in the open place from 16.09.2024 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, and also considering the fact that the invoice and insurance of the said vehicle are in the name of the petitioner, this Court is inclined to allow this revision by following the principle of law laid down by the



Crl.R.C.(MD)No.117 of 2025

WEB COPY

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 19.11.2024 passed in Crl.M.P.No.757 of 2024 by the learned District Munsif cum Judicial Magistrate, Thiruchuli is hereby set aside and the vehicle, viz. Mahindra 575 YUVO TECH PLUS 4WD bearing Chassis No.MBNPFALVFPZB00300 and Engine No.ZPB2GRF1104, 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.20,000/- (Rupees Twenty Thousand only)** as non-refundable deposit for the said vehicle to the credit of District Mineral Foundation Trust, Virudhunagar District;

(ii) On such deposit, the petitioner shall execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only), with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thiruchuli;



WEB COPY



Crl.R.C.(MD)No.117 of 2025

(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, Thiruchuli 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 register the vehicle in his name by producing the vehicle before the concerned registering authority, and shall deposit the original Registration Certificate of the vehicle before the learned District Munsif cum Judicial Magistrate, Thiruchuli, and the said exercise shall be completed within a period of one month from the date of release of the vehicle;

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



Crl.R.C.(MD)No.117 of 2025

WEB COPY

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

30.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
mkn

To

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



WEB COPY



Crl.R.C.(MD)No.117 of 2025

P.VADAMALAI, J.

mkkn

Crl.R.C.(MD)No.117 of 2025

30.01.2025