



Crl.R.C.(MD)No.228 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.228 of 2025

Kaliappan

... Petitioner

Vs.

The State of Tamil Nadu rep. by
The Sub Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.
(Crime No.235 of 2024)

... Respondent

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., to call for the records relating to the impugned order dated 10.01.2025 made in Crl.M.P.No.30 of 2025 on the file of learned Judicial Magistrate Court, Palani, in Crime No.235 of 2024 on the file of Inspector of Police, Palani Adivaram Police Station, Dindigul District, and consequently direct the fifth respondent police to return the vehicle “Tipper Lorry bearing Regn No.TN-47-AJ-3046” lying in the custody of the fifth respondent herein, to the petitioner till the conclusion of the criminal case.



Crl.R.C.(MD)No.228 of 2025

WEB COPY

For Petitioner : Mr.K.Muthu Ganesa Pandian
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.30 of 2025 dated 10.01.2025 on the file of the Judicial Magistrate, Palani, dismissing the petition filed under Section 497 BNSS.

2. It is evident from the records that the respondent police seized a vehicle Tipper Lorry bearing Registration No.TN-47-AJ-3046 in connection with the case in Crime No.235 of 2024 for the offences under Section 303(2) BNS and Sections 4(1)(1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and that the property was produced before the concerned Court and the same came to be remanded in R.P.R.No.233 of 2024.

3. When the matter was taken up earlier, the learned Government Advocate (Criminal Side) submitted that the vehicle in question was also



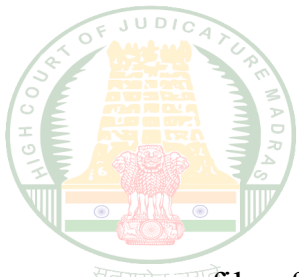
Crl.R.C.(MD)No.228 of 2025

WEB COPY

involved in another case in Crime No.307 of 2021 on the file of Keeranur Police Station and hence, this Court directed the petitioner as well as the learned Government Advocate (Criminal Side) to produce the copy of the earlier order.

4. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner has produced the copy of the order passed in Crl.M.P.No.2344 of 2021 dated 28.09.2021 on the file of the Principal Sessions Court, Dindigul, wherein, the petitioner was granted interim custody of the vehicle in question, which was came to be seized in Crime No.307 of 2021 for the offences under Section 379 IPC and Section 21(2) Mines and Minerals (Development and Regulation) Act, 1957 by imposing conditions, which includes that the petitioner shall file an affidavit of undertaking that he shall not involve in any offence in future that may lead to the seizure of the vehicle in question.

5. As rightly contended by the learned Government Advocate (Criminal Side), the vehicle which was granted interim custody was again involved in the present case i.e., in Crime No.235 of 2024 on the



Crl.R.C.(MD)No.228 of 2025

WEB COPY

file of the Palani Adivaram Police Station for the very same offences.

6. As rightly contended by the learned Government Advocate (Criminal Side), since the petitioner has violated the condition imposed in the earlier order and involved the vehicle in question for the very same offence subsequently, this Court has no hesitation to hold that the petitioner is not entitled to get the vehicle. Moreover, in the impugned order, it has been mentioned that confiscation proceedings are pending. Consequently, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

7. In the result, this Criminal Revision Case stands dismissed. No costs.

17.03.2025

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

To
1.The Judicial Magistrate,
Palani.



Crl.R.C.(MD)No.228 of 2025

WEB COPY

- 2.The Sub Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.R.C.(MD)No.228 of 2025

K.MURALI SHANKAR,J.

csn

Order made in
CrI.R.C.(MD)No.228 of 2025

Dated: 17.03.2025