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Crl.R.C(MD)No.1161 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 21.01.2025

Pronounced on : 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C(MD)No.1161 of 2024

Saravanan

... Petitioner

Vs.

- 1.The District Collector,
Dindigul.
- 2.The Assistant Director,
Mines and Minerals Department,
Dindigul.
- 3.The Revenue Divisional Officer,
Palani.
- 4.The Tahsildar,
Vedasandur Taluk.
- 5.State through S.I. of Police,
Vadamadurai P.S.,
Crime No.561 of 2021.
- 6.The Manager,
Easan Auto Finances,
50, North Narasimapuram,
Karur – 639 001.

... Respondents



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PRAYER : This Criminal Revision Case has been filed under Sections 397 r/w 401 of Cr.P.C., to call for the records and to set aside the order in condition No(i) passed by the Principal Sessions Judge, Dindigul in Crl.M.P.No.404 of 2024, dated 14.03.2024.

(In prayer portion, condition No(i) passed by the Principal Sessions Judge, Dindigul in Crl.M.P.No.404 of 2024, dated 14.03.2024 is amended as per order of this Court, dated 10.12.2024 in Crl.M.P(MD)No.13442 of 2024 in Crl.R.C(MD)No. 1161 of 2024)

For Petitioner	: Mr.P.Manikandan
For R1 to R5	: Mr.M.Vaikkam Karunanithi
	Government Advocate (Crl.side)

ORDER

This Criminal Revision Case is filed against the condition No.1 imposed in the order, dated 14.03.2024 passed in Crl.M.P.No.404 of 2024 on the file of the learned Principal Sessions Judge, Dindigul and to set aside the same and to release the Tipper Lorry bearing registration number TN 22 CU 0417 to the petitioner on interim custody.

2.The brief facts of the case:

The Tipper Lorry bearing registration number TN 22 CU 0417 was seized by the respondent police on 28.05.2021 on the ground that the vehicle was used for illegal transportation of soil without any permission. A case was registered in Crime No.561 of 2021 U/s.379 of IPC by the



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5th respondent police. The petitioner, who is the owner of the vehicle, has filed the petition in Crl.M.P.No.404 of 2024 before the Principal Sessions Court, Dindigul for return of Tipper Lorry on interim custody and the said petition was allowed on 14.03.2024 on the following conditions.

"(i) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) before the District Mines and Mineral Foundation Trust, Dindigul as non-refundable deposit on or before 04.04.2024. After made deposit, the petitioner is directed to produce the acknowledgment receipt and deposit all the documents pertaining to the ownership of the seized vehicle including original RC before the learned Additional District Munsif-cum-Judicial Magistrate, Vendasandur.

(ii)The petitioner shall execute a bond for a sum of Rs.2,50,000/- with two sureties for a like sum each to the satisfaction of the said learned Judicial Magistrate without fail.

(iii)The petitioner shall file an affidavit of undertaking that he shall not involve in any offence in future which may lead to the seizure of the vehicle in question and shall not alienate/encumber or alter the vehicle in question till the disposal of the case.

(iv)On receipt of vehicle, the petitioner shall take photos in four clear angles pertaining



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to the vehicle in question on him own cost and submit the photos along with negative or CD (in case of digital photo taken) before the said Judicial Magistrate on the day itself.

(v)After successful compliance of conditions 1 to 4 by the petitioner, the learned Magistrate is directed to release the vehicle in question forthwith.

(vi) The petitioner shall produce the vehicle on 1st working day of every English Calendar month before the said Judicial Magistrate and shall produce the vehicle as and when required during the trial, failing which the conditions confiscation of vehicle proceedings will be initiated.

(vii)The petitioner shall cooperate to the investigation."

3. Aggrieved by the condition No.1 of the impugned order, the petitioner has come forward with this present criminal revision case.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents 1 to 5.



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5. The learned counsel appearing for the revision petitioner has submitted that the petitioner is not an accused in this case and he is the owner of the vehicle. The petitioner borrowed loan from the 6th respondent and the original RC book is in the custody of the 6th respondent and hence, he is not able to surrender the original RC. Moreover, the condition of deposit of Rs.50,000/- is very high. The petitioner is not having any income as the vehicle was seized and the petitioner has the source of income only through the vehicle in question.

6. The learned Government Advocate (Criminal Side) appearing for respondents 1 to 5 has not raised any serious objection. The 6th respondent, who is the financier, remained ex-parte before the trial Court.

7. On hearing and perusal of records, it is clear that the petitioner is the owner of the Tipper Lorry in question and the same was seized by the respondent police on 28.05.2021 alleging that the vehicle was used for illegal loading of sand and the vehicle was remanded before the concerned Judicial Magistrate Court. Thereafter, the petitioner filed the



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petition for interim custody of the vehicle and the same was allowed by the Principal Sessions Court, Dindigul on conditions. One of the conditions is that the petitioner shall deposit non refundable amount of Rs.50,000/- and shall produce the original RC, which would not be complied with by the petitioner stating that the original RC is with private financier/6th respondent and has no sufficient source of income. In such circumstances, this Court has already dealt with the case like this and passed orders as ordered in **Crl.R.C(MD)No.711 of 2024, dated 29.07.2024** and in **Crl.R.C.(MD)No.856 of 2024, dated 09.09.2024**. Moreover, the Hon'ble Supreme Court issued guidelines in the **Sunderbhai Ambalal Desai case** reported in **2003 (1) CTC 175** in respect of return of seized properties by the police. Considering the overall facts and circumstances of the case, this Court is inclined to modify the condition.

8. Accordingly, this Criminal Revision Case is allowed, and the condition No.1 passed in the order, dated 14.03.2024 in Crl.M.P.No.404 of 2024 on the file of the learned Principal Sessions Judge, Dindigul, is hereby set aside and the same is modified as follows:

(i) The petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as



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non-refundable deposit for the said vehicle to the credit of the District Mines and Mineral Foundation Trust, Dindigul District.

(ii) The petitioner shall produce the photocopy of the RC book relating to the Tipper Lorry in question bearing registration No.TN 22 CU 0417 before the learned Additional District Munsif-cum-Judicial Magistrate, Veda sandur, since the original RC is with 6th respondent and the other conditions passed in the order shall remain as such.

9. On production of such documents, the learned Additional District Munsif-cum-Judicial Magistrate, Veda sandur, is directed to release the vehicle bearing registration No.TN 22 CU 0417 to the petitioner on interim custody on fulfilling the other conditions imposed in Crl.M.P.No.404 of 2024, dated 14.03.2024 and the modified 1st condition of this Court as above.

26.02.2025

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



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To

- 1.The Principal Sessions Judge,
Dindigul.
- 2.The Additional District Munsif-cum-Judicial Magistrate,
Vedasandur,
- 3.The District Collector,
Dindigul.
- 4.The Assistant Director,
Mines and Minerals Department,
Dindigul.
- 5.The Revenue Divisional Officer,
Palani.
- 6.The Tahsildar,
Vedasandur Taluk.
- 7.State through S.I. Of Police,
Vadamadurai P.S.
Crime No.561 of 2021
- 8.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Crl.R.C(MD)No.1161 of 2024

26.02.2025