



Crl.R.C.(MD)No.1139 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.1139 of 2023

Kannan

... Petitioner

Vs.

State rep.by
The Sub -Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
Crime No.33 of 2023.

... Respondent

PRAYER : Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C, to call for the records relating to the order passed in Cr.M.P.No.4411 of 2023 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, dated 25.09.2023 in Crime No.33 of 2023 on the file of the respondent police and set aside the same.

For Petitioner : Ms.S.Prabha

For Respondent : Ms.M.Aasha,
Government Advocate (Crl. Side)



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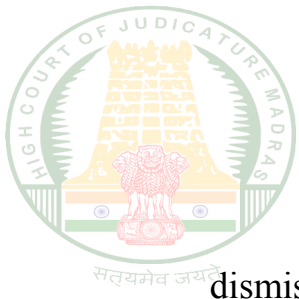
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ORDER

The Criminal Revision is directed against the order passed in Cr.M.P.No.4411 of 2023 in Crime No.33 of 2023, on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, dismissing the petition filed under Section 451 of Cr.P.C.

2. The petitioner claims to be the owner of the vehicle/ Tipper Lorry bearing Reg.No.TN-67-AE-2643. On 09.02.2023, the respondent police intercepted the vehicle bearing Reg.No.TN-67-AE-2643 and seized the vehicle as the same was used for transporting of gravel sand illegally without any valid license or permit and registered a case in Crime No.33 of 2023 for the offences under Section 379 of IPC and Section 21(1) of MMDR Act.

3. It is not in dispute that the petitioner has approached the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, for returning of the said vehicle in Crl.M.P.No.4411 of 2023 and the learned Sessions Judge, vide order dated 25.09.2023, has



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dismissed the 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 Government Advocate (Criminal Side) appearing for the State.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the owner of the vehicle and that the petitioner is having one previous case not with similar offence and that the said vehicle was not involved in any other cases.

6. The learned counsel appearing for the petitioner would submit that the vehicle bearing Reg.No.TN-67-AE-2643, is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, that the vehicle is with the police nearly one year, 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.



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7.Considering the facts and circumstances of the case and also the fact that 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, this Court is inclined to allow the revision.

8. Accordingly, this Criminal Revision Petition is allowed and the order, dated 25.09.2023 passed in Crl.M.P.No.4411 of 2023 by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, is hereby set aside and the vehicle/Tipper Lorry bearing Reg.No.TN-67-AE-2643, 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:-

(a) the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as non-refundable deposit for the said vehicle to the credit of the District Mineral Foundation Trust, Virudhunagar District;



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(b) the petitioner shall execute a bond for a sum of **Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only)**, with two sureties for a likesum to the satisfaction of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur,;

(c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur,;

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

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

(f) the petitioner shall give an undertaking before the respondent/authority concerned stating that he will not use the vehicle in question for any illegal activities in future, failing which the respondent/trial Court is at liberty to confiscate the vehicle.

17.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

das

To

- 1.The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur,
- 2.The Sub -Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.R.C.(MD)No.1139 of 2023

Dated: 17.02.2025