



Crl.R.C.(MD)No.1229 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.1229 of 2024

Balamurugan

... Petitioner

Vs.

The Sub Inspector of Police,
Kandamanur Police Station,
Theni District.
(Crime No.232 of 2020)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the records relating to the order made in Crl.M.P.No. 4049 of 2024 dated 11.09.2024 on the file of the Judicial Magistrate Court, Andipatti, and to set aside the same and consequentially direct the respondent police to return the petitioner vehicle Mahindra Tractor bearing Registration No.TN-57-AA-0993 with Trailer bearing Registration No.TN-64-L-9951 by allowing this criminal revision petition.



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For Petitioner : Mr.V.Manikandan

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.4049 of 2024 dated 11.09.2024 on the file of the Judicial Magistrate, Aundipatti, dismissing the petition filed under Section 497 B.N.S.S.

2. The petitioner claims to be the owner of Mahindra Tractor bearing Registration No.TN-57-AA-0993 and Trailer bearing Registration No.TN-64-L-9951. On 21.09.2023, the respondent police has registered a case in Crime No.232 of 2020 for the offences under Section 379 IPC and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle bearing Registration No.TN-57-AA-0993 and Trailer bearing Registration No.TN-64-L-9951 for the alleged illegal transportation of odai sand and the same were remanded before the jurisdictional Court in R.P.R.No.313 of 2020 and the same are available before the Court.



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3. It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Aundipatti for returning of the said vehicles in Crl.M.P.No.4049 of 2024 and the learned Judicial Magistrate, vide order dated 11.09.2024, has 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 respondent.

5. Admittedly, both Mahindra Tractor bearing Registration No.TN-57-AA-0993 and the Trailer bearing Registration No.TN-64-L-9951 were owned by one Sekar and one Sofia Syed respectively. Though the petitioner purchased both the vehicles, he has not changed the names so far and since the said Sekar died, the petitioner has produced No Objection Certificate (NOC) obtained from the legal heirs of the deceased Sekar and also produced No Objection Certificate (NOC) obtained from the said Sofia Syed. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that they



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have verified the particulars of the No Objection Certificate (NOC) given by the petitioner and found correct.

6. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is not having any previous cases for similar offence and that the said vehicles were not involved in any other cases.

7. The learned counsel appearing for the petitioner would submit that the Mahindra Tractor bearing Registration No.TN-57-AA-0993 and the Trailer bearing Registration No.TN-64-L-9951 are owned by the petitioner, that the said vehicles have no connection whatever with the alleged occurrence, that if the vehicles are kept in open place, the value of the said vehicles will get deteriorated and that therefore interim custody may be granted to the petitioner.

8. Considering the facts and circumstances of the case and also the fact that if the vehicles are kept in open place exposing to sun and rain, the value of the vehicles will be deteriorated and no purpose will be



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served in keeping the vehicles in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 11.09.2024 passed in Crl.M.P.No.4049 of 2024, by the learned Judicial Magistrate, Aundipatti.

9. Accordingly, this Criminal Revision Petition is allowed and the order dated 11.09.2024 passed in Crl.M.P.No.4049 of 2024 by the learned Judicial Magistrate, Aundipatti, is hereby set aside and the vehicles/Mahindra Tractor bearing Registration No.TN-57-AA-0993 and the Trailer bearing Registration No.TN-64-L-9951, are ordered to be returned to the petitioner for interim custody forthwith 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 Mahindra Tractor bearing Registration No.TN-57-AA-0993 and **Rs.10,000/- (Rupees Ten Thousand only)** as non-refundable deposit for the Trailer bearing Registration No.TN-64-L-9951 to the credit of the District Mineral Foundation Trust, Theni District;



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- (b) the petitioner shall execute a bond for a sum of **Rs.1,25,000/-** (**Rupees One Lakh and Twenty Five Thousand only**), for both the vehicles with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Aundipatti;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicles before the learned Judicial Magistrate, Aundipatti;
- (d) The petitioner shall give an undertaking before the respondent/ authority concerned stating that he will not use the vehicles in question for any illegal activities in future, failing which the respondent/trial Court is at liberty to confiscate the vehicles;
- (e) the petitioner shall not alienate and shall not make any alteration in the vehicles;
- (f) the petitioner shall produce the vehicles before the Court and before the respondent police as and when required;

07.02.2025

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



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To

- 1.The Judicial Magistrate,
Aundipatti.
- 2.The Sub Inspector of Police,
Kandamanur Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.R.C.(MD)No.1229 of 2024

Dated: 07.02.2025