



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Crl.R.C. (MD)No.291 of 2015

WEB COPY

M.Mohana

: Petitioner/Petitioner/
Owner of the vehicle

Vs.

State by
The Inspector of Police,
Melur Police Station,
Madurai District.
In Crime No.509 of 2015:2nd Respondent/Respondent/
Complainant

PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure to call for the records pertaining to the order passed in C.R.M.P.No.3202 of 2015, dated 07.07.2015, passed by the learned Judicial Magistrate, Melur, Madurai District allowing the petition filed by the petitioner under Section 457 of Cr.P.C., to return the vehicle of the petitioner for his interim custody and set aside the conditions Nos.1 and 3 alone in the order in Crl.M.P.No.3202 of 2015, dated 07.07.2015, on the file of the learned Judicial Magistrate, Melur, Madurai District.

For Petitioner : Mr.S.Balakarthick

For Respondents : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor

ORDER

The petitioner is the owner of the tractor bearing Registration No. TN-59-W-6177 and that was seized by the respondent in connection with the case in Crime No.509 of 2015, registered under Section 379 I.P.C. r/w 21 of Mines and Minerals Development Regulations Act. According to the respondent, the vehicle was used for illegally transporting the sand, which was taken by committing theft in violation of the above Regulations. Seeking return of the said vehicle, the petitioner filed Cr.M.P.No.3202 of 2015 before the learned Judicial Magistrate, Melur. By order dated, 07.07.2015, the learned Magistrate allowed the petition on imposing certain conditions. One such condition is that the petitioner should deposit a sum of Rs.50,000/-. Challenging the said condition, the petitioner is before this Court with this revision petition.

2.I have heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent State and I have also perused the records carefully.

3.The learned Counsel for the petitioner would submit that in a similar matter in Crl.R.C.No.35 of 2015, this Court has ordered for release of vehicle without there being a condition for depositing of any cash and therefore in the instant case also, similar order may be passed.



4.The learned Additional Public Prosecutor would submit that the petitioner has involved in yet another case in Cr.No.531 of 2015, wherein also, the petitioner has used yet another vehicle for the purpose of illegal mining and transporting the sand.

5.In view of the fact that the petitioner has two cases similar in nature, it appears that he is doing illegal business of sand and therefore, I am not inclined to interfere with the order of the lower Court imposing the condition that the petitioner should deposit a sum of Rs.50,000/-. I do not find any merit at all in this petition.

6.Accordingly, the Criminal Revision Case fails and the same is dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

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

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