

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 03.02.2016****CORAM****THE HONOURABLE MR. JUSTICE P.N. PRAKASH****CrI.O.P. (MD) No.1714 of 2016****WEB COPY**

A.Karuppasamy

.. Petitioner

Vs

The Inspector of Police,
Sattur Town Police Station,
Sattur, Virudhunagar District.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to release the petitioner's Tractor bearing Registration No.TN59F 4492 and its Trailor bearing Registration No.TNA 7276 and a Splendor Bike bearing Registration NO.TN67J 1755 and a black colour Nokia Mobile phone with Aircel Sim as per the order passed by the learned Judicial Magistrate No.II, Sattur in Cr.M.P.No.3018 of 2015 dated 25.09.2015 within a time limit as fixed by this Court.

For Petitioner :Mr.P.Kalaiyarasi Bharathi

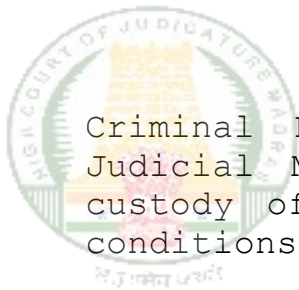
For Respondent :Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor

ORDER

This petition has been filed to release the petitioner's Tractor bearing Registration No.TN59F 4492 and its Trailor bearing Registration No.TNA 7276 and a Splendor Bike bearing Registration NO.TN67J 1755 and a black colour Nokia Mobile phone with Aircel Sim as per the order passed by the learned Judicial Magistrate No.II, Sattur in Cr.M.P.No.3018 of 2015 dated 25.09.2015 within a time limit as fixed by this Court.

2. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. It is seen that the petitioner's Tractor bearing Registration No.TN-59-F-4492 was involved in Cr.No.570 of 2015 for the offences under Section 379 I.P.C. r/w 21(1) of Mines and Minerals Act for allegedly transporting sand illegally. The case was registered on 16.07.2015 and the Tractor was seized by the police and kept in the police station. The Revenue Divisional Officer, Sivakasi initiated confiscation proceedings on 21.09.2015 in respect of the said Tractor and had issued a show cause notice to the petitioner. While so, the petitioner moved the learned Judicial Magistrate No.II, Sattur under Section 451 of the Code of



Criminal Procedure for return of the Tractor and the learned Judicial Magistrate, by order dated 25.09.2015 ordered interim custody of the Tractor, after the petitioner complied with the conditions imposed therein.

4. It is the grievance of the petitioner that despite the order passed by the learned Judicial Magistrate under Section 451 Cr.P.C., the respondent police is not handing over the Tractor.

5. In this case, the power of confiscating the vehicle under the Mines and Minerals Act vests with the Revenue Authorities. The Revenue Divisional Officer has initiated the confiscation proceedings as early as on 21.09.2015. The respondent police are holding the Tractor only as a mere custodian. Since the Revenue Divisional Officer's proceedings preceded the Court order, the respondent police are justified in not releasing the Tractor. Therefore, it is open to the petitioner to approach the Revenue Divisional Officer himself for interim custody of the Tractor, instead of approaching this Court for a direction to the respondent police to hand over the Tractor in the light of the order dated 25.09.2015 passed by the Judicial Magistrate. Hence, this Criminal Original Petition is closed with the aforesaid liberty to the petitioner to approach the Revenue Divisional Officer for return of his vehicle.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

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To

1.The Inspector of Police, Sattur Town Police Station,
Sattur, Virudhunagar District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+one cc to M/s.P.Kalaiyarasi Bharathi, Advocate in SR.NO.6946

CSL/SKS-RR/12.02.2016/2P/4C

CrI.O.P. (MD) No.1714 of 2016
03.02.2016