

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2019

CORAM :
THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.R.C.No.553 of 2019

Kandhasamy

... Revision Petitioner

Vs.

State by the Inspector of Police,
Thalavai Police Station,
Ariyalur District.
Crime No.132 of 2018.

... Respondent

Prayer: Criminal Revision Case filed under Sections 397 and 401 Cr.P.C., praying to set aside the order of dismissal made in Crl.M.P.No.872 of 2018 dated 05.04.2019 on the file of the Judicial Magistrate Court No.II, Jayankondam.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.G.Ramar
Government Advocate (Crl. Side)

O R D E R

This Criminal Revision Case has been filed against the order of dismissal, dated 05.04.2019, made in Crl.M.P.No.872 of 2018 on the file of the Judicial Magistrate Court No.II, Jayankondam.

2.It is the case of the petitioner that the respondent police have seized the petitioner's vehicle Taraus Lorry, bearing Registration No.TN-30-BD-6628 on 11.10.2018 along with 3 Units of sand and subsequently, a case was registered in Crime No.132 of 2018 for the offence under Section 21(i)-(ii) of Mines and Minerals (Development and Regulation) Act 1957 r/w. Section 379 IPC. The petitioner had filed an application before the jurisdictional Magistrate for grant of interim custody of the vehicle, inasmuch as no order for release of the said vehicle has been passed by the respondent. However, the application was dismissed by the Magistrate.

3.Challenging the order of dismissal, the petitioner is before this Court.

4.Learned counsel for the petitioner submitted that the vehicle would be damaged, if it is exposed to sun-light and rain and the petitioner is ready to abide by any condition that may be imposed on him.

5.Learned Government Advocate, appearing on behalf of the respondent, submitted that the vehicle in question was used for illegal transportation of sand. Since, there was no valid permit, the vehicle was seized. He further submitted that, previously, the petitioner has been implicated in a similar case in Crime No.93 of 2018 on the file of the Koovagam Police Station, Ariyalur.

6.This Court gave its anxious consideration to the rival submissions.

7.In any event, as the vehicle is under the custody of the respondent from the date of seizure, considering the fact that, if the same is allowed to be kept idle and exposed to rain and shine, it would certainly diminish its value, this Court is of the view that the vehicle in question may be released by imposing conditions on the petitioner.

8.Accordingly, the respondent is directed to release the vehicle in question to the petitioner within a period of 7 days from the date of compliance of the following conditions.

- (i)The petitioner shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) before the jurisdictional Tahsildar concerned as non-refundable deposit. On receipt of the said amount, the same will have to be deposited by the jurisdictional Tahsildar concerned, to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit.
- (ii)The petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the concerned jurisdictional Judicial Magistrate.
- (iii)The petitioner shall give an undertaking before the respondent, stating that he will not use the vehicle in question for any illegal activities in future and shall produce the same as and when required by the respondent and also by the trial Court, failing which, the respondent/trial Court is at liberty to confiscate the vehicle.
- (iv)The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.
- (v)The petitioner is also directed to participate in the enquiry to be conducted by the respondent.
- (vi)The petitioner shall take photograph of the vehicle and submit the same to the Court.

9.With the above directions, this Criminal Revision Case is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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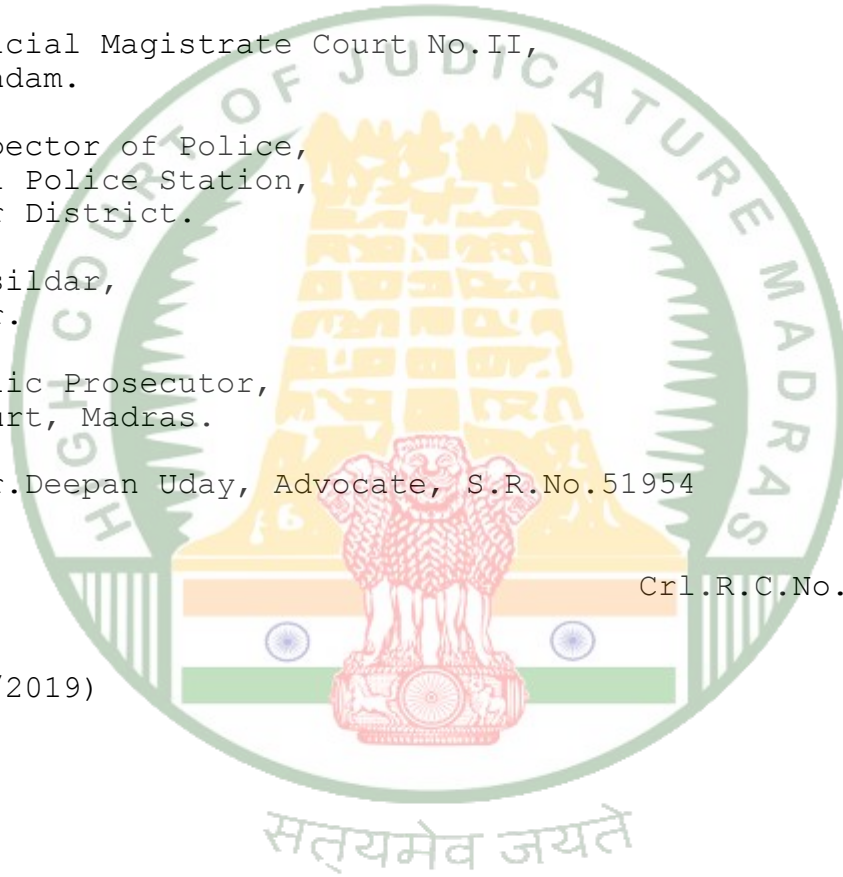
To

- 1.The Judicial Magistrate Court No.II,
Jayankondam.
 - 2.The Inspector of Police,
Thalavai Police Station,
Ariyalur District.
 - 3.The Tahsildar,
Ariyalur.
 - 4.The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.Deepan Uday, Advocate, S.R.No.51954

Cr1.R.C.No.553 of 2019

SPD(CO)

RRS (24/07/2019)



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