



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.RC(MD)No.116 of 2019

Bharathan

... Petitioner/Petitioner

Vs.

The State rep. by
The Inspector of Police,
Velliyanani Police Station,
Karur District.
(In Crime No.287 of 2018)

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records relating to the order dated 04.12.2018 made in Cr.M.P.No.5971 of 2018 on the file of Judicial Magistrate Court No.2, Karur and set aside the same as illegal and entrust the custody of the vehicle namely Ashok Leyland Ltd - Multi Axle Goods Vehicle bearing registration No.TN-48-AD-4541 to the petitioner.

For Revision Petitioner: Mr.M.Seenisulthan

For Respondent : Mr.A.Robinson

Government Advocate (Cr1.Side)

ORDER

The petitioner claims to be the owner of the vehicle (Multi Axle Goods Vehicle) bearing Registration No.TN-48-AD-4541. On 20.09.2018, the respondent police found the said vehicle carrying sand in violation of the provision of the Mines and Minerals Development Regulation Act, 1957. The respondent registered a case in Crime No.287 of 2018 under Sections 379 IPC., r/w 21(1) (A) (B) of Mines and Minerals Act, 1957, and seized the said vehicle. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate No.II, Karur, for interim custody. The learned Magistrate, by order dated 04.12.2018, has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.Mr.A.Robinson, learned Government Advocate (Cr1.side) has strongly objection to release the vehicle.



4. On consideration of the documentary evidence, the Trial Court has dismissed the petition seeking to release the vehicle filed by the petitioner. However, Considering the facts and circumstances of the case, this Court is inclined to allow this petition.

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5. Accordingly, this petition is allowed and the order of the learned Judicial Magistrate No.2, Karur in CrI.M.P.No.5971 of 2018 is set aside and the learned Magistrate is directed to return the vehicle subject to the petitioner on the following conditions:-

(a) The petitioner shall deposit the original Registration Certificate of the vehicle;

(b) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) to the credit of Crime No.287 of 2018, within a period of one week from the date of receipt of a copy of this order;

(c) The petitioner shall not make any alteration of the vehicle;

(d) The petitioner shall produce the same before the Court as and when required.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate Court No.2, Karur.

2.The Inspector of Police,
Velliyanani Police Station,
Karur District.

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

+1cc to Mr.M.Seenisulthan, Advocate, SR.No. 59875

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VSD

KK/SAR/24.04.2019/ 2P- 5C