



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.04.2019
CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

WEB COPY

Crl.RC (MD) No.228 of 2019

R.Dinesh

... Petitioner/Petitioner

Vs.

State Rep. by
The Sub-Inspector of Police,
Manachanallur Police Station,
Trichy District.
(Crime No.215 of 2018)

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the case in Cr.M.P.No.4756 of 2019 in Crime No.215 of 2018 on the file of the learned Judicial Magistrate No.III, Trichy dated 28.03.2019, set-aside the same and consequently direct the learned Trial Court to return the vehicle bearing Reg.No.TN-28-AE-1414 to the petitioner herein for interim custody.

For Revision Petitioner: Mr.M.Suresh

For Respondent

: Mr.A.Robinson

Government Advocate (Crl.Side)

O R D E R

The petitioner claims to be the owner of the vehicle (Lorry) bearing Registration No.TN-28-AE-1414. On 28.09.2018, 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.215 of 2018 under Sections 379 IPC., r/w 21(1) of Mines and Minerals Development Regulations Act, 1957, and seized the said vehicle. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate No.III, Trichy, for interim custody. The learned Magistrate, by order dated 28.03.2019 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 (Crl.side) has strongly objection to release the vehicle.

<https://hcservices.ecourts.gov.in/hcservices/>

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.

5. Accordingly, this petition is allowed and the order of the learned Judicial Magistrate No.III, Trichy in Crl.M.P.No.4756 of 2019 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.20,000/- (Rupees Twenty thousand only) to the credit of Crime No.215 of 2018 on the file of the Judicial Magistrate No.III, Trichy, 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 first working day of every month.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-)

To

1.The Judicial Magistrate No.III,
Trichy.

2.The Sub-Inspector of Police,
Manachanallur Police Station,
Trichy District.

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

+1cc to M/S.M.Suresh, Advocate, SR.No.60000

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