



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2019

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.RC(MD)No.252 of 2019

Jebasingh

... Petitioner

Vs.

The Inspector of Police,
Mondaicadu Police Station,
Kanyakumari District.
Crime No.11 of 2019.

...Respondents

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 order of the learned Judicial Magistrate Eraniel in Crl.M.P.No.1632 (a) of 2019, dated 16.03.2019 and set aside the same.

For Petitioner : Mr.R.Russel Raj

For Respondent : Mr.A.Robinson

Government Advocate (Crl.Side)

O R D E R

The petitioner claims to be the owner of the vehicle (Tempo) bearing Registration No.TN-74-AP-4803 Tipper. On 23.02.2019, the respondent police found the said vehicle carrying sand in violation of the provision of the Mines and Minerals Development Regulation Act, 1957. Hence, the respondent police registered a case in Crime No.37 of 2019 under Section 379 IPC r/w Section 21 (1) of Mines and Minerals Development Regulation Act, 1957, and seized the said vehicle. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate, Eraniel, for interim custody. The learned Magistrate, by order dated 16.03.2019, in Crl.M.P.No.1632 (a) of 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.A perusal of the order passed in W.P.Nos.34672 and 34553 of 2018, dated 27.12.2018, which reads as follows:-

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

...6.In view of the above, more particularly taking note of the fact that Special Courts have not yet been



constituted in terms of the order dated 29.10.2018 passed in W.P.(MD) No.19936 of 2017 etc batch, this Court directs the learned Jurisdictional Magistrates to consider the request for release of vehicles and pass appropriate orders in accordance with law. It is open to the writ petitioners to approach the jurisdictional Court. We make it clear that the above condition/concession shall be effective only till the constitution of the Special Courts...."

4.In view of the above, the Criminal Revision Petition is disposed of with liberty to the petitioner to approach the concerned jurisdictional Court and the learned Magistrate is directed to pass an appropriate orders in accordance with law.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

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

+1cc to M/s.R.Russel Raj, Advocate, SR.No.62397

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SP/29.04.2019/2P/5C