



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.353 of 2019

Manoharan

... Petitioner/Petitioner

Vs.

State Rep. by
The Inspector of Police,
Woraiyur Police Station,
Trichy District.
(Crime No.676 of 2018)

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records and set aside the order dated 15.04.2019 made in Cr.M.P.No.5979 of 2019 on the file of the learned Judicial Magistrate No.IV, Trichy and allow the above revision petition.

For Petitioner : Mr.S.Sathya Chidambaram

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)**ORDER**

The petitioner claims to be the owner of the TATA ACE bearing Registration No.TN-31-AS-5874. On 22.09.2018, the respondent police found the said vehicle carrying 1 unit of river sand in violation of the provision of the Mines and Minerals Development Regulation Act, 1957. The respondent police registered a case in Crime No.676 of 2018 under Section 379 of IPC & Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957, and seized the said vehicle. Seeking return of the said vehicle, the petitioner filed a petition before the Judicial Magistrate No.IV, Trichy, for interim custody. The learned Magistrate, by order dated 15.04.2019 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.



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.IV, Trichy District in Cr.M.P.No.5979 of 2019, dated 15.04.2019 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.25,000/- (Rupees Twenty Five thousand only) to the credit of Crime No.676 of 2018 on the file of the Judicial Magistrate No.IV, Trichy District, 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(CS-III)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate No.IV, Trichy District.

2.The Inspector of Police,
Woraiyur Police Station,
Trichy District.

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

+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate SR-72876.

Cr1.RC(MD) No.353 of 2019
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