



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2019

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Cr1.RC(MD)No.355 of 2019

Manikam

... Petitioner/Petitioner

Vs.

State Rep. by
The Inspector of Police,
Vattathikkottai Police Station,
Thanjavur District.
(Crime No.41 of 2019)

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the learned Judicial Magistrate, Pattukkottai, Thanjavur District in Cr.M.P.No.2497 of 2019, dated 28.05.2019 and to set aside the same.

For Petitioner
For Respondent

: Mr.S.Deenadhayalan
: Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Cr1.Side)

O R D E R

The petitioner claims to be the owner of the Bullock Cart. On 29.04.2019, the Village Administrative Officer found the said Bullock Cart carrying 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.41 of 2019 under Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957, and seized the said Bullock Cart. Seeking return of the said Bullock Cart, the petitioner filed a petition before the learned Judicial Magistrate, Pattukkottai, Thanjavur District, for interim custody. The learned Magistrate, by order dated 28.05.2019 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.

<https://hcservices.ecourtsgov.in/hcservices/>
S.A.P.G.Ohm Chairma Prabhu, learned Government Advocate (Cr1.side) has strongly opposed to release the Bullock Cart.



4. On consideration of the documentary evidence, the Trial Court has dismissed the petition seeking to release the Bullock Cart 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, Pattukkottai, Thanjavur District in Cr.M.P.No.2497 of 2019, dated 28.05.2019 is set aside and the learned Magistrate is directed to return the Bullock Cart subject to the petitioner on condition that the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the credit of Crime No.41 of 2019 on the file of the Judicial Magistrate, Pattukkottai, Thanjavur District, within a period of one week from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Judicial Magistrate, Pattukkottai,
Thanjavur District.

2.The Inspector of Police,
Vattathikkottai Police Station,
Thanjavur District.

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

+1 cc to Mr.S.Deenadhayalan , Advocate SR.No.73893

VSD

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