



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2019

CORAM

WEB COPY

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

Crl.R.C(MD)No.401 of 2019

Sabarinathan

... Petitioner/Appellant

Vs.

State Rep. by
The Inspector of Police,
Jambunathapuram Police Station,
Trichy District.
(Crime No.40 of 2019)

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records pertaining to the order issued by the learned Judicial Magistrate Court, Thuraiyur, Trichy District in Cr.M.P.No.1896 of 2019 dated 12.06.2019 and set-aside the same.

For Petitioner : Mr.R.Yamuna

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

O R D E R

The petitioner claims to be the owner of the Tarras Lorry bearing Registration No.TN-48-Q-6562. On 14.05.2019, the respondent police found the said vehicle carrying Cauvery sand in violation of the provision of the Mines and Minerals Development Regulation Act, 1957. The respondent police registered a case in Crime No.40 of 2019 under Section 379, 353, 307 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 learned Judicial Magistrate, Thuraiyur, Trichy District, for interim custody. The learned Magistrate, by order dated 12.06.2019 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.P.G. Ohm Chairma Prabhu, learned Government Advocate (Cr1.side) has strongly opposed 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.

5. Accordingly, this petition is allowed and the order of the learned Judicial Magistrate, Thuraiyur, Trichy District in Cr.M.P.No.1896 of 2019, dated 12.06.2019 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.40 of 2019 on the file of the Judicial Magistrate, Thuraiyur, Trichy District, within a period of two weeks 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-

/ True Copy /

Sub Assistant Registrar (CS-)

vsd

To

1. The Judicial Magistrate Court,
Thuraiyur, Trichy District.

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

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

+1 CC to M/s. R. YAMUNA, Advocate (SR-74783[F] dated 11/07/2019)

Cr1.R.C(MD) No.401 of 2019

11.07.2019