



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2019

CORAM

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.449 of 2019

WEB COPY

Malleeswaran

... Petitioner/Petitioner

Vs.

State Rep. by
The Inspector of Police,
Keeranur Police Station,
Dindigul District.
(Crime No.108 of 2019)

... Respondent/Respondent

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 passed in Cr.M.P.No.1802 of 2019 on the file of the Judicial Magistrate Court, Palani, Dindigul District, dated 04.07.2019.

For Petitioner	: Mr.M.Murugesan
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 Ashok Layland Tipper Lory bearing Registration No.TN-42-T-3458. On 26.05.2019, the respondent police found the said vehicle 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.108 of 2019 under Section 379 of IPC., & Section 21(2) of Mines and Minerals (Development and Regulations) Act and 3(1) of TNPPDL Act, and seized the said vehicle. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate, Palani, Dindigul District, for interim custody. The learned Magistrate, by order dated 04.07.2019 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 (Crl.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, Palani, Dindigul District, in Cr.M.P.No.1802 of 2019, dated 04.07.2019 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.108 of 2019 on the file of the Judicial Magistrate, Palani, Dindigul 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 (AS)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Judicial Magistrate,
Palani, Dindigul District.
2. The Chief Judicial Magistrate,
Dindigul
3. The Inspector of Police,
Keeranur Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.R.JEGADEESWARAN, Advocate (SR-78830[F] dated 31/07/2019)

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VSD

MK (05.08.2019) 2P 6C