



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.583 of 2019

WEB COPY

Srinivasan

... Petitioner/Petitioner/Nil/
2nd Accused cum Owner of the Vehicle

Vs.

State Rep. by
The Inspector of Police,
Vangal Police Station,
Karur District.
(In Crime No.150 of 2019)

... Respondent/Respondent/Complainant/
Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order in Crl.M.P.No.861 of 2019 in R.P.No.518 of 2019 on the file of the Principal Sessions Judge, Karur, dated 07.08.2019 in Crime No.105 of 2019 on the file of the respondent police consequently direct the learned Principal Sessions Judge, Karur to hand over the interim custody of the vehicle bearing Registration No.TN-52-E-2077 to the petitioner and pass such further or other order and may deem fit in the facts and circumstances of the case.

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

ORDER

The petitioner claims to be the owner of the Ashok Leyland Lorry bearing Registration No.TN-52-E-2077. On 22.06.2019, the respondent police found the said vehicle carrying 5 unit of Cauvery 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.150 of 2019 under Section 379 of IPC., & Section 21 (1) of Mines and Minerals (Development and Regulations) Act, 1957, and seized the said vehicle and produced before the learned Judicial Magistrate No.2, Karur. Seeking return of the said vehicle, the petitioner filed a petition before the learned Principal Sessions Judge, Karur, for interim custody. The learned Principal Sessions Judge, by order dated 07.08.2019 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 Principal Sessions Judge, Karur in Crl.M.P.No.861 of 2019, dated 07.08.2019 is set aside and the Principal Sessions Judge 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.150 of 2019 on the file of the Principal Sessions Judge, Karur 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 (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Principal Sessions Judge,
Karur District.
2. The Judicial Magistrate No.II, Karur.
3. The Chief Judicial Magistrate, Karur
4. The Inspector of Police,
Vangal Police Station,
Karur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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