



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2019

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.R.C(MD)No.756 of 2019

and

Cr.MP.(MD)No.8652 of 2019

Radhika

... Revision Petitioner/Petitioner

Vs.

1.State rep by

The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
In Crime No.101 of 2019.

...Respondent/Respondent

2.Parthiaselvan

3.Muneeswaran

...Respondents/Accused

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the impugned order passed by the Principal District & Sessions Court, Ramanathapuram in Cr1.M.P.No.2564 of 2019 dated 24.09.2019 and set aside the same as illegal, improper, unconstitutional and arbitrary and consequently, direct the respondent to hand over the JCB vehicle bearing registration No.TN-46-B-1135 and Tipper Lorry bearing registration No. TN-76-D-1522 to the revision petitioner.

For Petitioner : Mr.R.Murugan

For Respondent : 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 JCB, bearing Registration No. TN-46-B-1135 and Tipper Lorry bearing registration No. TN-76-D-1522. According to the petitioner, the alleged vehicle was seized by the respondent on 27.06.2019 in connection with a case in Crime No.101 of 2019 for the offence under Section 21 of Mines and Minerals Act. Seeking return of the said vehicle, the petitioner filed a petition before the learned Principal District & Sessions Court, Ramanathapuram, for interim custody. The learned Principal District & Sessions Court, Ramanathapuram, by order dated 24.09.2019 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. The only ground upon which the lower Court has dismissed the petition is that the petitioner has used her vehicles for illegally mining sand and if the vehicles are returned to the petitioner, she will indulge in the same activities by using the same vehicles. It is well settled that during the pendency of confiscation proceedings, the vehicles needs to be returned to the person, who is entitled to have. This return will have no impact on the confiscation proceeding, as the confiscation proceeding is an independent proceeding.

4. In view of the above, this Criminal Revision is allowed and the order of the learned Principal District & Sessions Court, Ramanathapuram, in Cr1.M.P.No.2564 of 2019 dated 24.09.2019, is set aside and the learned Principal District & Sessions Court, Ramanathapuram, is directed to return the vehicles to the petitioner subject to the confiscation proceedings 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.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of Crime No.101 of 2019 on the file of the learned Principal District & Sessions Court, Ramanathapuram, 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 until final order is passed in the confiscation proceedings.

5. The Authority under the Tamil Nadu Prohibition Act may proceed with the confiscation proceedings and the petitioner shall obey any order that may be passed in the said proceeding by the authority. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

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1.The Principal District & Sessions Judge,
Ramanathapuram.

2.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.

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

+1 CC to M/s.R.MURUGAN, Advocate (SR-105923[F] dated 19/12/2019)

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and
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19.12.2019

mr(CO)
TR(20.12.2019)3P 5C