

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.07.2020

CORAM

THE HON'BLE Mr. JUSTICE P.N. PRAKASH

Crl.R.C.No.570 of 2020

Manikandan @ Manikandaraj ... Petitioner/A-1

Vs.

State Rep. by
Inspector of Police
Sembanarkoil Police Station
Sembanarkoil
Nagapattinam District

... Respondent

Criminal Revision filed under Section 397 Cr.P.C. seeking to call for the records in connection with Cr.M.P.No.2928 of 2019 order dated 11.11.2019 passed by the District and Sessions Judge, Nagapattinam.

For Petitioner : Mr.S.Kingston Jerold
For Respondent : Mr.K.Madhan
Govt. Advocate (Crl. Side)

O R D E R

This criminal revision has been filed seeking to set aside the order dated 11.11.2019 passed by the Principal District and Sessions Judge, Nagapattinam in Crl.M.P.No.2928 of 2019.

2.The petitioner was arrested on 18.06.2019, while transporting less than 1 unit of sand in his TATA ACE mini lorry bearing registration No.TN82 D8822 and a case in crime No.173 of 2019 for the offences under Section 379 and 430 IPC read with Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and his vehicle was seized. The petitioner was later released on bail. The petitioner filed Crl.M.P.No.2928 of 2019 before the Sessions Court, Nagapattinam under Section 451 Cr.P.C. for interim custody of the vehicle, which was dismissed on 11.11.2019, challenging which, the petitioner filed the present revision petition.

3.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent State.

4.It is seen that the seizure was effected on 18.06.2019 and almost for one year, the vehicle is in the police station open to sun and rain. It is represented by the learned Government Advocate that the petitioner was not involved in any other case.

5.Taking into consideration the aforesaid facts and in view of the guidelines given by the Supreme Court in *Sunderbhai Ambalal Desai Vs. State of Gujarat* [(2002) 10 SCC 290], this Court is of the view that interests of justice will be served, if the vehicle is ordered to be released to the petitioner on certain stringent conditions. The respondent police is directed to grant interim custody of the said vehicle bearing registration No.TN82 D8822 to the petitioner within a period of 7 days from the date of compliance of the below mentioned condition Nos.(i) to (iii) :

- i. The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the jurisdictional Tahsildar as non-refundable deposit. After receipt of the above said amount, the same will have to be deposited by the Tahsildar, to the credit of the District Mines and Minerals Foundation Trust, Nagapattinam as non-refundable deposit;
- ii.The petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each, for a like sum to the satisfaction of the Principal District and Sessions Judge, Nagapattinam. The petitioner and the sureties shall affix their photographs and give the copies of their Aadhaar Card;
- iii.The petitioner shall give an undertaking before the respondent/ authority concerned stating that he will not use the vehicle in question for any illegal activities in future and shall produce the same as and when required by the respondent and also the trial Court, failing which the respondent/trial Court is at liberty to confiscate the vehicle;
- iv.The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned;
- v. The petitioner shall take photograph of the vehicle and submit the same along with Compact Disc duly certified under Section 65-B of the Indian Evidence Act, 1872;

vi.The petitioner shall surrender the original R.C. book before the Principal District and Sessions Judge, Nagapattinam; and

vii.The petitioner is also directed to participate in the enquiry to be conducted by the respondent.

Petition relating to return of R.C. Book for any purpose in the future, may be filed before the Principal District and Sessions Judge, Nagapattinam, who may consider the same on merits, though this order has been passed by the High Court.

This petition is allowed in the above terms.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

To

1.The Principal District and Sessions Judge
Nagapattinam

2.The Tahsildar
Nagapattinam District

3.The Inspector of Police
Sembanarkoil Police Station
Sembanarkoil
Nagapattinam District

4.The Public Prosecutor
High Court, Madras.

5.The District Mines and Minerals,
Foundation Trust, Nagapattinam.

+1 cc to Mr.S.Kingston Jerold, Advocate,sr.24815.

Ln(co)
krd 5/8

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