IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.No.554 of 2020

Mariappan,
S/o.Duraisamy,
No.14/27, Muniyagovundanvalavu,
Tharamangalam,
Tharamangalam Taluk,
Salem District. ... Petitioner/Petitioner

Vs.

The State represented by,
The Inspector of Police,
Velur Police Station,
Namakkal District.
(Crime No.543 of 2019) ... Respondent/Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 Cr.P.C to call for the records in pertaining to the order of the learned Sessions Judges, Namakkal dated 15.06.2020 made in C.M.P.No.663 of 2020, and modify the first condition as "the petitioner shall deposit a sum of Rs.1,00,000/- before the Jurisdictional Tahsildar as non-refundable deposit" and allow this revision.

For Petitioner : Mr.K.Arunraj

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Revision Petition has been filed against the order dated 15.06.2020 passed by the learned Sessions Judges, Namakkal in C.M.P.No.663 of 2020, filed by the petitioner seeking for return of his Tata Super Ace.

2. The case of the prosecution is that the petitioner is the owner of the Tata Super Ace and the said vehicle was involved in illegal transport of 50 bags of river sand. Hence the complaint.

3. The learned counsel for the petitioner submitted that the confiscation proceedings has not commenced and now the Tata Super Ace is exposed to rain and shine and if the Tata Super Ace

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is kept in the police station continuously, it will lose all its worth. The learned counsel further submitted that any stringent conditions can be imposed by this Court and the petitioner will comply with the said conditions.

4. Per contra, Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondent submitted that if the Tata Super Ace is released, the petitioner will once again involve in the illegal transportation of sand. He further submitted that the petitioner had already committed the similar offence which was registered by the respondent police. He concluded his arguments by submitting that even though confiscation proceedings have not been commenced, this Court has to take a very stringent stand, when it comes to release of the vehicle involved in sand theft, which has a direct impact in the natural resources.

5. Heard Mr.K.Arunraj learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor. This Court has carefully considered the submissions made on either side and the orders passed by the Court below.

6. The petitioner is the owner of the Tata Super Ace and according to the petitioner, the Tata Super Ace now exposed to the open sky in the police station and it will become worthless over a period of time. Admittedly, the confiscation proceedings have not commenced. The petitioner also undertakes that he will not involve in any illegal activity in future and that any stringent conditions can be imposed by this Court.

7. Taking into consideration the facts and circumstances of the case, the order passed by the Court below in Crl.M.P.No.663 of 2020, dated 15.06.2020 is hereby set aside and this Criminal Revision Petition is allowed with the following conditions:

(i) The petitioner shall file an affidavit before the Court below that the Tata Super Ace will not be used for the illegal transportation of sand in future.

(ii) The petitioner shall deposit the original RC book before the Court below and the Court below shall certify the deposit of the original RC book in the Court and such certificate can be produced by the petitioner if and when he is asked to produce the RC book by the police during any interception.

(iii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the District Minerals Foundation Trust and shall produce the said receipt before the Court below.

(iv) The petitioner shall produce the vehicle, as and when required before the Court below.

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This order is passed without prejudice to the rights of the respondent to initiate confiscation proceedings against the petitioner.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Rst

To

1.The Sessions Judges, Namakkal.

2.The Inspector of Police,
Velur Police Station,
Namakkal District.

3.The Public Prosecutor,
High Court, Madras.

Crl.R.C.554 of 2020

MG(CO)
GN(29/10/2020)

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