

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.07.2020

CORAM

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

CrI.R.C.No.568 of 2020

Karthick

...Petitioner/A-3

Vs.

State Rep. by
The Inspector of Police
Velankanni Police Station
Nagapattinam District
Cr.No.100 of 2020

...Respondent/Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C. seeking to set aside the impugned order passed by the Principal District and Sessions Judge, Nagapattinam in CrI.M.P.No.1405 of 2020 dated 18.06.2020 by allowing the revision petition.

For Petitioner : Mr.S.K.Syed Elias
For Respondent : Mr.K.Madhan
Govt. Advocate (CrI. Side)

O R D E R

This criminal revision has been filed seeking to set aside the order dated 18.06.2020 passed by the Principal District and Sessions Judge, Nagapattinam in CrI.M.P.No.1405 of 2020.

2.The petitioner was arrested in crime No.100 of 2020 for the offences under Section 379 IPC read with Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, while transporting savoodu sand in his tractor bearing registration No.TN51 AJ2840 on 19.03.2020 and his tractor was seized. The petitioner was later released on bail. The petitioner filed CrI.M.P.No.1405 of 2020 before the Sessions Court, Nagapattinam under Section 451 Cr.P.C. seeking return of the tractor, which has been dismissed by the impugned order dated 18.06.2020, challenging which, the present petition has been filed.

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 petitioner does not have any previous case and the seizure was effected on 19.03.2020.

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 tractor bearing registration No.TN51 AJ2840 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

True Copy

Sub-Assistant Registrar

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To

1. The Principal District and Sessions Judge
Nagapattinam

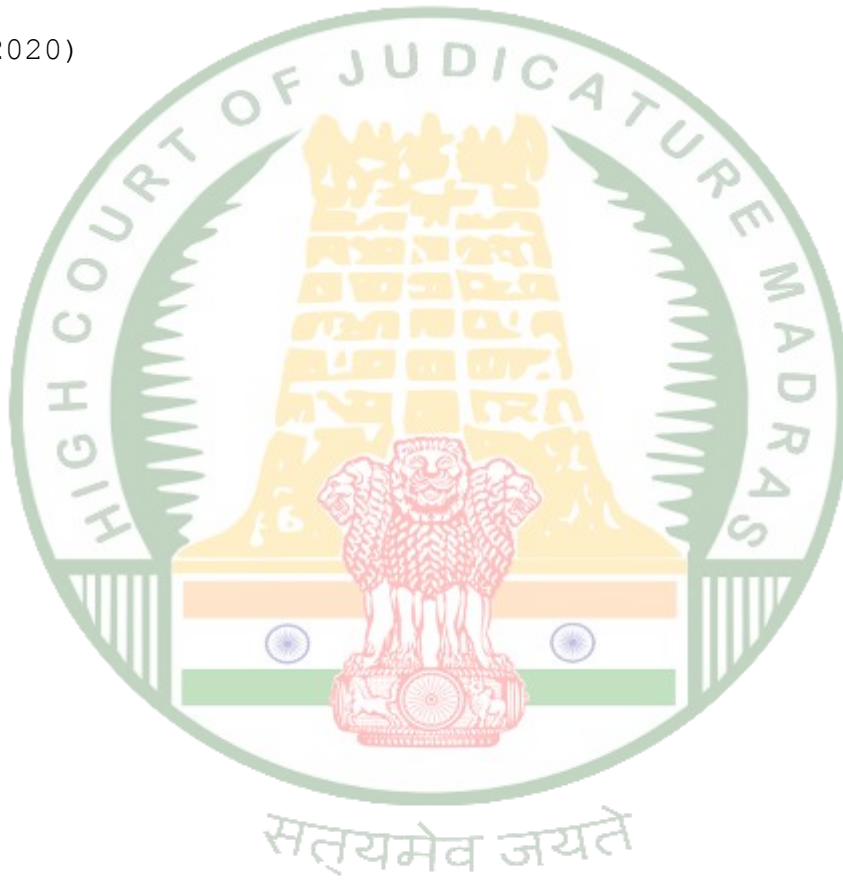
2. The Tahsildar
Nagapattinam District

3. The Inspector of Police
Velankanni Police Station
Nagapattinam District

4.The Public Prosecutor
High Court, Madras

Cr1.R.C.No.568 of 2020

AD (CO)
GS (07/08/2020)



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