



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 16.07.2020

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.185 of 2020

Muthukrishnan

.. Petitioner

Vs.

State Represented by the
Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District - 630 606
In Crime No.97 of 2019

.. Respondent/Complaint

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to set aside the impugned order passed by the learned Additional District Munsif cum Judicial Magistrate, Thiruppuvanam in Cr.M.P.No.148 of 2020, dated 10.02.2020 and consequently direct to release the petitioner's vehicle in bearing Registration No.TN-58-AD-0435.

For Petitioner	: Mr.R.Senthilkumar
For Respondent	: Mr.K.Dinesh Babu, Additional Public Prosecutor

ORDER

This revision has been filed to set aside the order passed in Cr.M.P.No.148 of 2020, dated 10.02.2020, on the file of the learned Additional District Munsif cum Judicial Magistrate, Thiruppuvanam and to direct to release the petitioner's vehicle bearing Registration No.TN-58-AD-0435.

2.On the side of the petitioner, it is stated that under Section 22 of Mines and Minerals (Development and Regulation) Act, the respondent has to file a private complaint before the concerned authorities and hence, there is no jurisdiction for the Special Court to try the case and the case can be tried only by the Judicial Magistrate Court and prays the vehicle to be returned to the petitioner.

3.On the side of the prosecution, it is stated that if the vehicle is not returned, again the petitioner might commit the same



offence.

4.It is seen that this Court in the case of **Muthu v. the District Collector** reported in **CDJ 2018 MHC 7179** has specially given instructions that releasing the vehicle under the Mines and Minerals (Development and Regulation) Act should be placed only before the Special Court.

5.In the above circumstances, the petitioner is directed to file a petition before the Special Court. With the above direction, the Criminal Revision Case is disposed of. No Costs.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Additional District Munsif cum Judicial Magistrate,
Thiruppuvanam.
- 2.The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No.185 of 2020

16.07.2020

pm(CO)

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