



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2020

CORAM

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

CrI.R.C(MD)No.186 of 2020  
and  
CrI.M.P(MD)No.1567 of 2020

B.Latha ... Petitioner/Owner of the vehicle

Vs.

The State Represented by  
The Inspector of Police,  
Paramakudi Taluk Police Station,  
Ramanathapuram District.  
(Crime No.88 of 2019)

...Respondent/Complainant

**Prayer :** This Criminal Revision filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order in Cr.M.P.No.137 of 2020, dated 23.01.2020 on the file of the Principal District and Sessions Court, Ramanathapuram in Crime No.88 of 2019 on the file of the respondent police and set aside the same as illegal in so far as the condition ''the petitioner shall produce the vehicle before this Court on every 1<sup>st</sup> working day of the English Calender Months'' and direct the respondent to release the petitioner's vehicle ''Komatsu Hydraulic Excavator (Hitachi), Serial No.N500373, Model No.PC130-7''.

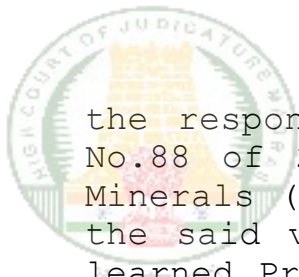
|                |                                                                 |
|----------------|-----------------------------------------------------------------|
| For Petitioner | : Mr.I.Pinaygash                                                |
| For Respondent | : Mr.A.P.G.Ohm Chairma Prabhu<br>Government Advocate (CrI.side) |

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**O R D E R**

This petition has been filed to modify the condition imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.137 of 2020, dated 23.01.2020.

2.The petitioner claims to be the owner of the Komatsu Hydraulic Excavator (Hitachi), Serial No.N500373, Model No.PC130-7. According to the petitioner, the alleged vehicle was seized by



the respondent on 18.06.2019 in connection with a case in Crime No.88 of 2019 for the offence under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Seeking return of the said vehicle, the petitioner has filed a petition before the learned Principal District and Sessions Court, Ramanathapuram, for interim custody. The learned Principal District and Sessions Court, Ramanathapuram, by order, dated 24.09.2019 has dismissed the same. Challenging the said order, the petitioner has filed CrI.R.C(MD)No.833 of 2019 before this Court and this Court has allowed the said petition filed by the petitioner by its order dated 06.12.2019 for release of the vehicle, by imposing the condition (d) to the effect that the petitioner shall produce the vehicle before the Court as and when required until final order is passed in the confiscation proceedings. But the learned Principal District and Sessions Judge, Ramanathapuram has modified the condition to the effect that the petitioner shall produce the vehicle before the Court below on the 1<sup>st</sup> working day of every English calendar month till the disposal of the trial. Challenging the condition imposed by the trial Court, the petitioner is before this Court with this criminal revision.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.The only grievance of the petitioner is that the condition imposed by the learned Principal District and Sessions Judge, Ramanathapuram is highly erroneous.

5.In view of that, this Criminal Revision is allowed. The order of the learned Principal District and Sessions Judge, Ramanathapuram, made in Cr.M.P.No.137 of 2020, dated 23.01.2020 is set aside and the condition is modified to the effect that the petitioner shall produce the vehicle before the Court as and when required until final order is passed in the confiscation proceedings.

6.The concerned Judicial Officer is directed to offer his explanation with regard to the modification of the condition imposed by this Court.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Principal District and Sessions Judge,  
Ramanathapuram.

2.The Inspector of Police,  
Paramakudi Taluk Police Station,  
Ramanathapuram District.

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

copy to

1. The Registrar(Judicial)  
Madurai Bench of Madras High Court, Madurai.

2. The Section Officer,  
Criminal Section,  
Madurai Bench of Madras High Court, Madurai.  
(for getting the explanation from  
the concerned Judicial Officer)

+1 CC to M/s.I.PINAYGASH, Advocate ( SR-7414[F] dated 20/02/2020 )

Cr1.R.C(MD)No.186 of 2020

MA (CO)

TR(25.02.2020) 3P 7C