

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 18.03.2020****CORAM:****THE HON'BLE MR.JUSTICE M.DHANDAPANI****CrI.O.P.(MD)No.4819 of 2020**

Karuppaiah

... Petitioner/Petitioner

Vs.

The Inspector of Police
Vathalai Police Station
Trichy District
Crime NO.32/2019

...Respondent/COMplainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the District and Sessions Court, (special Court for Mines and Minerals Act Cases) Trichy to number the petition submitted under section 457 and 451 of Cr.P.C. by him and consequently pass orders on merits within the stipulated time.

For Petitioner : Mr.M.Subash Babu

For Respondent : Mrs. S.Bharathi
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to direct the District and Sessions Court, (special Court for Mines and Minerals Act Cases) Trichy to number the petition submitted under section 457 and 451 of Cr.P.C. by him and consequently pass orders on merits within the stipulated time.

2. The petitioner is an accused in crime No. 32 of 2019 for the offence under Section 379 of IPC r/w. Section 21(1) of Mines and Minerals Act. On 24.02.2019 at about 03.00 a.m when the defacto complainant and his assistance were in surveillance near Peruvalai Vaikal the petitioner herein is said to have illegally transported ¼ unit of river sand in his bullock cart and the said vehicle also seized by the respondent police.

3. Thereafter the petitioner has filed petition under Section 457 and 451 of Cr.P.C for return of his vehicle before the lower Court. However the said petition was returned stating that the said offence was committed prior to the G.O.(Ms) No.298(Home Courts-II)



Department , dated 13.06.2019 , hence the Sessions Judge has no power to return the vehicle . However the said G.O cannot curtail the power of the learned Sessions Judge who is enjoying the power under Section 451 of Cr.P.C and the said G.O in only guideline to the Sessions Court to deal with the matter.

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4. The learned Government Advocate(Crl.Side) would submit that bullock cart is old and value of the said property is Rs.25,000/-.

5. Considering the facts and circumstances of the case instead of remitting the matter before the trial Court it will be correct and necessary to dispose the matter since the petitioner has come forward to deposit value of the property.

6. Hence the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand) to the credit in Crime No. 32 of 2019. On receipt of such amount, the learned Magistrate is directed to return the vehicle after obtaining affidavit, photo of the said vehicle from the petitioner.

7. With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1. The District and Sessions Court,
(Special Court for Mines and Minerals Act Cases) Trichy
2. The Inspector of Police
Vathalai Police Station
Trichy District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SUBASHBABU, Advocate (SR-12504[F] dated 19/03/2020)

Crl.O.P. (MD)No.4819 of 2020