



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 08.07.2020

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.384 of 2020

P.Sankar

.. Petitioner /Sole Accused

Vs.

State Rep. By

The Sub Inspector of Police

Manamadurai Police Station

Sivagangai District

(Crime No.464 of 2019)

.. Respondent /Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records with regard to the order passed by the Special Judge/Principal Sessions Judge under the Mines and Minerals (Development and Regulation) Act, Sivagangai in CrI.M.P.No.594 of 2020 dated 26.02.2020 to set aside the same and direct to return the tractor and trailer bearing registration No.TN-55-BA-7075.

For Petitioner

: Mr.S.C.Herold Singh

For Respondent

: Mr.K.Dinesh Babu,

Additional Public Prosecutor

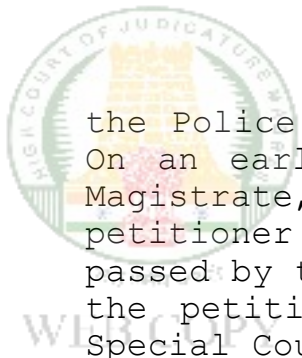
ORDER

This revision has been filed to call for the records with regard to the order passed by the Special Judge/Principal Sessions Judge under the Mines and Minerals (Development and Regulation) Act, Sivagangai in CrI.M.P.No.594 of 2020 dated 26.02.2020 to set aside the same and direct to return the tractor and trailer bearing registration No.TN-55-BA-7075.

2.On the side of the petitioner, it is stated that the vehicle namely tractor and trailer bearing registration No.TN-55-BA-7075 was used only for agricultural purpose and the said vehicle was seized from the house of the petitioner on 21.12.2019. It is further stated that only $\frac{1}{4}$ unit of sand was said to have been seized by the respondent police. Due to rusting and climatic condition, the said vehicle may get damage.

3.On the side of the petitioner, it is further stated that

<https://hcservices.ecourts.gov.in/hcservices/>



the Police registered a criminal case only under Section 379 I.P.C. On an earlier occasion, the learned District Munsif Cum Judicial Magistrate, Manamadurai dismissed the petition filed by the petitioner in Cr.M.P.No.465 of 2020 stating that as per the order passed by the Hon'ble Division Bench in *Muthu Vs.District Collector*, the petition for return of property has to be filed before the Special Court constituted under the provisions of Mines and Minerals Act. Accordingly, the petitioner has filed a petition in Cr.M.P.No.594 of 2020 before the learned Special Judge/Principal Sessions Judge under the Mines and Minerals (Development and Regulation) Act, Sivagangai. The learned Special Judge after hearing the case, dismissed the petition on the ground that there is no allegation under the provisions of Mines and Minerals (Development and Registration) Act and the vehicle in dispute has been seized only in connection with an offence under Section 379 I.P.C. The learned counsel prays that the vehicle may be returned to the petitioner for interim custody.

4.On the side the learned Additional Public Prosecutor, it is stated that originally the case was registered only under Section 379 I.P.C. Thereafter, on 02.07.2020, it was altered into Section 379 I.P.C and Section 21(1) of Tamilnadu Mines and Minerals Development and Regulation Act, 1957. The learned Additional Public Prosecutor fairly submitted that there is no other case pending against this petitioner.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

6. On perusal of the records, it is seen that the F.I.R was registered under Section 379 I.P.C and the vehicle was seized on 21.12.2019. For the past six months, the vehicle was kept in open place and leaving the vehicle in the open place, will make the vehicle useless and the value will be deteriorating day by day. In the above circumstances, this Court is inclined to release the vehicle for interim custody to the petitioner subject to the following conditions:

(i)The petitioner shall deposit the original Registration Certificate of the vehicle before the Additional District Munsif Cum Judicial Magistrate, Manamadurai ;

(ii)The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.464 of 2019 on the file of the Additional District Munsif Cum Judicial Magistrate, Manamadurai along with bond of Rs.2,00,000/- (Rupees two Lakhs only) with two sureties each for a like sum, within a period of four weeks from the date of



receipt of a copy of this order.

(iii)The petitioner shall not make any alienation or alterations in the vehicle;

(iv)The petitioner shall produce the vehicle before the Court and before the respondent as and when required subject to the final order to be passed in the confiscation proceedings.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

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 Special Judge/Principal Sessions Judge under the Mines and Minerals (Development and Regulation) Act, Sivagangai, Sivagangai District.
- 2.The Additional District Munsif Cum Judicial Magistrate, Manamadurai, Sivagangai District.
- 3.The Sub Inspector of Police
Manamadurai Police Station
Sivagangai District
(Crime No.464 of 2019)
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No.384 of 2020
08.07.2020

KK(14.07.2020) 3P 5C