



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 30.07.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.419 of 2020

R.Kannan

... Petitioner /Accused No.4

Vs.

State rep by
The Inspector of Police,
Inamkulathur Police Station,
Trichy District,
In Crime No.10 of 2020

... Respondent /Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records relating to the order passed by learned Principal Sessions Judge, Trichy in Cr.M.P.No.1899 of 2020 dated 19.06.2020 and to set aside the condition no.1 imposed by the learned Principal Sessions Judge, Trichy and allow this Crl RC.

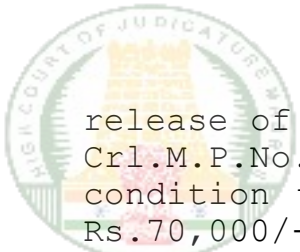
For Petitioner : Mr.C.Susikumar

For Respondent : Mr.K.Dinesh Baby,
Additional Public Prosecutor

ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.1899 of 2020 dated 19.06.2020, on the file of the learned Principal Sessions Judge, Trichy in respect of condition No.1 alone and to hand over the interim custody of the vehicle bearing Registration No.TN-19-W-6789 that belongs to the petitioner.

2.The petitioner claims to be the owner of the car (Cheverlet Cruz VCDI at LTZ) bearing Registration No.TN-19-W-6789 (2013 model). The respondent seized the car that belong to the petitioner alleging that the car was used for the sand theft. A case was registered against the petitioner in Crime No.10 of 2020 under Section 379 IPC r/w Section 21(4) Mines and Minerals (D & R) Act. The petitioner was arrayed as A4. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Trichy, by filing a petition for



release of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.1899 of 2020 dated 19.06.2020, by imposing the first condition to the effect that the petitioner shall deposit a sum of Rs.70,000/- (Rupees Seventy Thousand only) before the District Mineral Foundation Trust, Tiruchirappalli as non refundable deposit. Challenging the cash deposit, the petitioner is before this Court with this revision.

3.On the side of the respondent, it is stated that in the judgment of this Court in the case of ***Muthu v. District Collector and others*** reported in ***CDJ 2018 MHC 7179***, this Court has observed that "by 2050, there will be no water for the entire State, which may affect 100 million people by removal of the sand." If the vehicle is released for interim custody, there is possibility for the vehicle to be used for the same offence. It is stated that the petition mentioned vehicle was used for watching the movements of the revenue authorities and the respondent police. The petitioner has confessed the same before the respondent police. Moreover, the petitioner was already detained under the Goondas Act as a sand offender in Cr.M.P.No.27 of 2020 by the District Magistrate and District Collector, Trichirappalli on 27.02.2020. The petitioner is having two previous cases of the same nature. There is every possibility for him to involve the vehicle for similar illegal activities and prays the condition should not be set aside.

4.It is seen that the car was not mentioned in the FIR. The petitioner is having two previous cases and he was detained under Goondas Act and then released.

5.After considering both sides, this Court is of the view that the order of the learned Principal Sessions Judge, Trichy, made in Crl.M.P.No.1899 of 2020 dated 19.06.2020 is to be modified in respect of the first condition alone and it is modified to the effect that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) before the District Mineral Foundation Trust, Tiruchirappalli as non refundable deposit. In respect of other conditions, the order of the learned Sessions Judge shall remain unaltered. Hence, this Criminal Revision Case is partly allowed.

Sd/-

Assistant Registrar (AS)

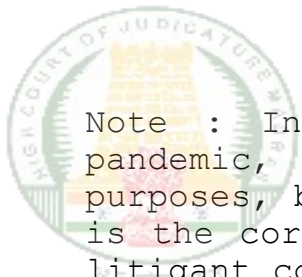
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/ /2020

Sub Assistant Registrar(CS)

Mrn

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



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.

WEB COPY

To

- 1.The Principal Sessions Judge, Trichy.
- 2.The Inspector of Police,
Inamkulathur Police Station,
Trichy District.
- 3.The Officer Incharge,
The District Mineral Foundation Trust,
Tiruchirapalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No.419 of 2020

AP(06/08/2020) 3P 5C