



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 18.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.620 of 2020

Moorthi @ D.Rajkumar

.. Petitioner/Petitioner

Vs.

The State rep. By,
The Inspector of Police,
Melattur Police Station,
Thanjavur District.
(Crime No.16 of 2020)

.. Respondent/Respondent

Prayer : This criminal revision case is filed under Sections 397 & 401 of Cr.P.C., to set aside the order passed in Cr.M.P.No.2813 of 2020 by the Special Court under the Mines and Minerals (D & R) Act, 1957, Thanjavur (Principal Session Judge, Thanjavur) dated 24.09.2020 and order interim custody of the Ashok Leyland Cargo 1614 and 1614.1 Tipper bearing registration No.TN-10-P-8076 seized by the respondent on 20.02.2020 in connection with Crime No.16 of 2020 to the petitioner.

For Petitioner	: Mr.B.Senthilnathan
For Respondent	: Mrs.S.Bharathi
	Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.2813 of 2020 dated 24.09.2020, on the file of the Special Court under the Mines and Minerals (D & R) Act, 1957, Thanjavur (Principal Session Judge, Thanjavur), to grant interim custody of the vehicle bearing Registration No.TN-10-P-8076 to the petitioner.

2.The petitioner claims to be the owner of the vehicle bearing registration No.TN-10-P-8076, which was seized by the respondent Police in Crime No.16 of 2020 for the offence under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, has filed a petition in



Cr.M.P.No.2813 of 2020 before the learned Principal Sessions Judge, Thanjavur for return of the vehicle. The petition was dismissed by the trial Court. Against which, the petitioner has preferred this revision case.

3.On the side of the petitioner, it is stated that the original name of the petitioner is Rajkumar and the copy of the Aadhar and voter id were produced to substantiate the claim of the petitioner. It is further stated that the petitioner is having a nick name, Moorthi and there is no dispute regarding the ownership of the vehicle. It is stated that the description of the vehicle is wrongly mentioned in the FIR by the police but the police refused to rectify the defects and prayed the vehicle to be returned to the petitioner.

4.On the side of the respondent, it is stated that if the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar offence again and prayed the petition to be dismissed.

5.It is seen that there is no use in keeping the vehicle idle in an open space by exposing it to the climatic condition. There is no dispute regarding the ownership of the vehicle. The name of the petitioner is mentioned as Moorthi in the FIR and he filed the bail petition before the lower Court as Moorthi @ Rajkumar. In the copy of the aadhar and voter id produced before this Court, the name of the petitioner is mentioned as Rajkumar.

6.In view of the same, this Criminal Revision Case is allowed and the order of the learned Principal Sessions Judge, Thanjavur in Cr.M.P.No.2813 of 2020 is set aside and the learned Judge is directed to return the vehicle to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:

(i)The petitioner shall deposit the original Registration Certificate of the vehicle with the Special Court under the Mines and Minerals (D & R) Act, 1957, Thanjavur (learned Principal Session Judge, Thanjavur) ;

(ii)The petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of Crime No.16 of 2020 on the file of the learned Special Court under the Mines and Minerals (D & R) Act, 1957, Thanjavur (learned Principal Session Judge, Thanjavur), within a period of two weeks from the date of receipt of a copy of this order ;

(iii)The petitioner is directed to execute a bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) with two sureties, each for a like sum to the Special Court under the Mines and



Minerals (D & R) Act, 1957, Thanjavur (learned Principal Session Judge, Thanjavur) ;

(iv)The petitioner shall not alienate and shall not make any alteration in the vehicle ;

WEB COPY

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

Sd/-

Assistant Registrar (CS-I)

// 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 Principal Session Judge,
Special Court under the Mines and Minerals (D & R) Act, 1957,
Thanjavur.
- 2.The Inspector of Police,
Melattur Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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NR (31/12/2020) 3P : 4C