



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.11.2020

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THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

Crl. R.C.(MD)No.631 of 2020

S. Dakshinamoorthy

.. Petitioner/Petitioner
(3rd Party)

Vs.

State through
The Sub Inspector of Police,
Pandanallur Police Station,
Thanjavur District.
(in Crime No.192 of 2019)

.. Respondent/Respondent

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the entire records and set aside the order, dated 18.09.2020 passed in Cr.M.P.No.3323 of 2020, on the file of the Special Court, under Mines and Minerals (D & R) Act, 1957 (Principal Sessions Judge), Thanjavur District and return the vehicle viz., Ashok Leyland Goods Carrier (HGV) bearing Registration No.TN 02 Q 1899 seized in connection with Crime No.192 of 2019 on on the file of the Sub Inspector of Police, Pandanallur Police Station, Thanjavur District to the petitioner herein.

For Petitioner : Mr.A. Thiruvadikumar

For Respondent : Mr. S. Chandrasekar
Additional Public Prosecutor.

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the Special Court, under Mines and Minerals (D & R) Act, 1957 (Principal Sessions Judge), Thanjavur District made in Cr.M.P.No.3323 of 2020, and consequently, to direct the respondent to return the vehicle viz., Ashok Leyland Goods Carrier (HGV) bearing registration No.TN 02 Q 1899 to the petitioner.

2. Heard both sides.

3.The vehicle of the petitioner was seized in a case in Crime No.192 of 2019, under Section 379 IPC r/w. 21(1) of the Mines and Minerals (Development and Regulation), Act, 1957. The petitioner filed a petition for return of the vehicle before the Special Court,



under Mines and Minerals (D & R) Act, 1957 (Principal Sessions Judge), Thanjavur District and the learned Sessions Judge dismissed that petition. Against the order of dismissal, the petitioner has come forward with this Criminal Revision Case.

4. On the side of the petitioner, it is stated that the petitioner is the owner of the vehicle. It is further stated that if the said vehicle is kept in the open place going to be rusted and the petitioner is ready to obey any conditions imposed by this Court and prayed that the petition to be allowed.

5. On the side of the prosecution, it is stated that the vehicle was involved in an offence under the Mines and Minerals Act and he objected to the return of the vehicle to the petitioner.

6. In any event, as the vehicle is under the custody of the respondent having been seized on 10.09.2019 and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Hence, this Court is inclined to allow the petition.

7. Accordingly, this Criminal Revision Case is allowed and the order passed by the Special Court, under Mines and Minerals (D & R) Act, 1957 (Principal Sessions Judge), Thanjavur District in Cr.M.P.No.3323 of 2020, dated 18.09.2020 is set aside and the vehicle is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:-

- (i) The petitioner shall produce the documents before the Special Court, under Mines and Minerals (D & R) Act, 1957 (Principal Sessions Judge), Thanjavur District to establish the ownership of the vehicle in question.
- (ii) The petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.192 of 2019 on the file of the Special Court, under Mines and Minerals (D & R) Act, 1957 (Principal Sessions Judge), Thanjavur District, within a period of four weeks from the date of receipt of a copy of this order;
- (iii) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the Court below and respondent.
- (iv) On doing so, the vehicle in question shall be returned to the petitioner.



(v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the Court concerned.

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Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

trp

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

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TR(30.11.2020) 3P 4C