



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 21.12.2020

CORAM

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THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.705 of 2020

S.Sarathkumar

.. Petitioner

Vs.

The State rep. By,
The Inspector of Police,
Pattukottai Taluk Police Station,
Pattukottai,
Thanjavur District.
(Crime No.7 of 2020)

.. Respondent

Prayer : This criminal revision case filed under Sections 397 & 401 of Cr.P.C., to call for the records pertaining to order dated 10.11.2020 made in Cr.M.P.No.3925 of 2020 on the file of the Special Court for Mines and Minerals (D& R) Act, 1957 (in the Court of Principal Sessions Judge), Thanjavur and to set aside the same.

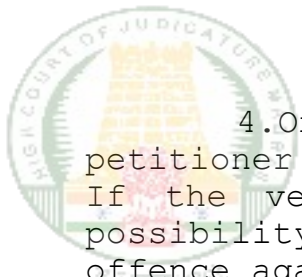
For Petitioner	: Mr.B.Jameel Arasu
For Respondent	: Mr.A.Saravanakumar Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.3925 of 2020 dated 10.11.2020, on the file of the Special Court for Mines and Minerals (D& R) Act, 1957 (in the Court of learned Principal Sessions Judge), Thanjavur to grant interim custody of Bolero Pick up van bearing Registration No.TN-57-AR-7626 to the petitioner.

2.The petitioner claims to be the owner of the Bolero Pick up van bearing registration No.TN-57-AR-7626, which was seized by the respondent Police in Crime No.7 of 2020 for the offence under Section 379 of IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, has filed a petition in Cr.M.P.No.3925 of 2020 before the Special Court for Mines and Minerals (D& R) Act, 1957 (in the Court of 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 if the vehicle is kept in the open place, the value of the vehicle will be deteriorated by exposure to the climatic condition and prayed the vehicle to be returned to the petitioner.



4. On the side of the respondent, it is stated that the petitioner is the accused in the case and there is no previous case. 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.

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5. It is seen that there is no use in keeping the vehicle idle in open space by exposing it to the climatic condition. Hence, this Criminal Revision Case is allowed and the order of the Special Court for Mines and Minerals (D& R) Act, 1957 (in the Court of learned Principal Sessions Judge), Thanjavur in Cr.M.P.No.3925 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 for Mines and Minerals (D& R) Act, 1957 (in the Court of learned Principal Sessions Judge), Thanjavur ;

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.7 of 2020 on the file of the Special Court for Mines and Minerals (D& R) Act, 1957 (in the Court of learned Principal Sessions 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 satisfaction of the Special Court for Mines and Minerals (D& R) Act, 1957 (in the Court of learned Principal Sessions Judge), Thanjavur;

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

(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-III)

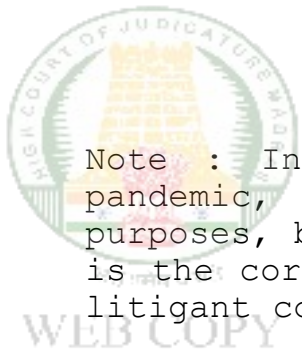
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/ /2021

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.

To

- 1.The Principal Sessions Judge,
Special Court for Mines and Minerals (D& R) Act,
Thanjavur.
- 2.The Inspector of Police,
Pattukottai Taluk Police Station,
Pattukottai,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.705 of 2020
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VB (06.01.2021) 3P 4C