



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.100 of 2021

Thiyagarajan

... Petitioner/Appellant

Vs.

State rep. by
The Inspector of Police
Thanjavur East Police Station,
Thanjavur District.
(Crime No.81 of 2020)

... Respondent/Complainant

Prayer : This Revision Case filed under Sections 397 and 401 of Cr.P.C., to set aside the order passed in Crl.M.P.No.4305 of 2020 on the file of the Special Court under Mines and Minerals (D & R) Act, 1957, Thanjavur Principal District Sessions Judge, Thanjavur, dated 10.11.2020.

For Petitioner : Mr.S.MP.Amalan

For Respondent : Mrs.S.Bharathi
Government Advocate

ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.4305 of 2020 on the file of the Special Court for the Mines and Minerals (D & R) Act, 1957, Thanjavur Principal District Sessions Judge, Thanjavur, dated 10.11.2020.

2.A vehicle, viz., Bolero Pick Up, bearing Registration No.TN-38-AB-1558 was seized by the respondent police in Crime No.81 of 2020. The petitioner, claiming himself as the owner of the vehicle, filed a petition before the Special Court, Thanjavur, for return of the vehicle in Crl.M.P.No.4305 of 2020. That petition was dismissed by the Sessions Judge. Against that order, the petitioner preferred this Criminal Revision.

3.On the side of the petitioner, it is stated that the vehicle was not used for any illegal purpose and the vehicle was used only for Agricultural purposes. The vehicle is kept in the open place from 05.03.2020. If the vehicle is kept in the open place, the value of the vehicle will be deteriorated, due to the



claimatic conditions and prayed the vehicle to be returned to the petitioner for safe custody.

4. On the side of the respondent, it is stated that the vehicle was used for illegal transportation of sand. The petitioner is an accused in the case. If the vehicle is returned to the petitioner, there is every possibility of the vehicle being used for commission of similar offence and prayed the petition to be dismissed.

5. It is seen that the vehicle is kept in custody from 05.03.2020 onwards. Almost for one year the vehicle is kept idle. The Registration Certificate stands in the name of the petitioner. Keeping the vehicle idle for one year, will make the vehicle useless. Hence, this Court is inclined to allow the petition with certain conditions.

6. Accordingly, this Criminal Revision Case is allowed and the order passed in Crl.M.P.No.4305 of 2020 on the file of the Special Court under Mines and Minerals (D & R) Act, 1957, Thanjavur (Principal District Sessions Judge, Thanjavur), dated 10.11.2020, is hereby set aside and the vehicle is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

(i) The petitioner shall deposit the original Registration Certificate of the vehicle before the on the file of the Special Court under Mines and Minerals (D & R) Act, 1957, Thanjavur, Principal District Sessions Judge, Thanjavur;

(ii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.81 of 2020 on the file of the Special Court under Mines and Minerals (D & R) Act, 1957, Thanjavur Principal District Sessions Judge, Thanjavur, within a period of four weeks from the date of receipt of a copy of this order along with a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties for a like sum;

(iii) The petitioner shall not alienate and shall not make any alterations in the vehicle;

(iv) The petitioner shall produce the vehicle before the Court and before the respondent as and when required, by the Court and by the respondent.

(iv) The petitioner is directed to execute an undertaking affidavit not to use for any illegal purpose in future.



7. If the vehicle is used for any illegal purpose, the order of return of property, automatically, shall stand cancelled.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

Order made in

Crl. R.C.(MD)No.100 of 2021

05.03.2021

MJ(CO)

SRS (17/03/2021) 3P : 4C