



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 24.03.2021

WEB COPY

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.176 of 2021

Duraisamy

.. Petitioner/Petitioner

Vs.

1. The Revenue Divisional Officer,
Karur, Karur District.

2. The District Collector,
Karur District.

3. The Assistant Director,
of Geology & Mining,
Karur District.

.. Respondents/Respondents

Prayer : This Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C., to set aside the order passed in Cr.M.P.No.101 of 2021 by the learned Principal Sessions Judge, Karur dated 18.02.2021 and order interim custody of the lorry bearing Registration No.TN-47-X-1318 with the petitioner as sought for, which was seized by the first respondent on 16.08.2019.

For Petitioner : Mr.D.Venkatesh

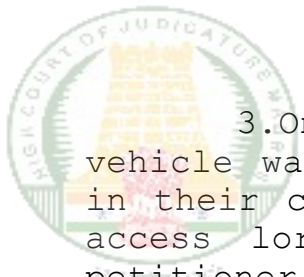
For Respondents : Mrs.S.Bharathi

Government Advocate (Crl. Side)

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.101 of 2021 dated 18.02.2021, on the file of the learned Principal Sessions Judge, Karur.

2.The respondent seized a lorry bearing Registration No.TN-47-X-1318 and produced the property before the Court. Subsequently, the petitioner claiming himself as the owner of the lorry, has approached the learned Principal Sessions Judge, Karur, by filing a petition for return of the lorry and the learned Judge dismissed the petition in Crl.M.P.No.101 of 2021 dated 18.02.2021. Against which, the petitioner preferred the Criminal Revision



3.On the side of the petitioner, it is stated that the vehicle was seized by the authorities on 16.08.2019 and is still in their custody for the past 20 months. The property is a multi access lorry and there is one more case pending against the petitioner. The owner of the vehicle was mentioned as A2. No FIR is registered so far and prayed the vehicle to be returned to the petitioner.

4.On the side of the respondents, it is stated that the vehicle was seized by the authorities with three units of sand. If the vehicle is returned to the petitioner, there is possibility for the vehicle being used for commission of similar offence. The sand theft is a serious offence against the Society and prayed the petition to be dismissed.

5.It is seen that the petitioner is the owner of the property. The vehicle is kept in the open space for the past 20 months. Keeping the vehicle idle will deteriorate the value of the vehicle.

6.In view of the above, the learned Judge is directed to return the vehicle to the petitioner subject to the confiscation proceedings on the following conditions:

(i) The petitioner shall deposit the original Registration Certificate of the vehicle with the learned Judicial Magistrate No.I, Karur;

(ii) The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of C.C.No.8 of 2020 before the learned Judicial Magistrate No.I, Karur within a period of two weeks from the date of receipt of copy of this order.

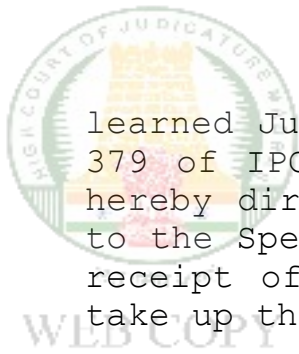
(iii) The petitioner is directed to execute a bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Karur ;

(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 ;

(vi)If any of the aforesaid conditions are violated, this order automatically stands cancelled.

7.It is seen that the vehicle was seized by the respondents with three units of sand but the case was taken on file by the



learned Judicial Magistrate No.I as C.C.No.8 of 2020 under Section 379 of IPC alone. Hence, the learned Judicial Magistrate No.I is hereby directed to alter the case into PRC and to commit the case to the Special Court within a period of one month from the date of receipt of copy of this order. The Special Court is directed to take up the case on file under the Mines and Minerals Act.

8.With the above direction, this Criminal Revision Case is allowed. The Registry is directed to send the copy of the order immediately to the lower Court.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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, Karur.
- 2.The Judicial Magistrate No.I, Karur.
- 3.The Revenue Divisional Officer,
Karur, Karur District.
- 4.The District Collector,
Karur District.
- 5.The Assistant Director of Geology & Mining,
Karur District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.D.VENKATESH, Advocate (SR-13933[F] dated 26/03/2021)

Crl. R.C.(MD)No.176 of 2021
24.03.2021

Mrn

<https://hcservices.courts.gov.in/hcservices/> AE/ (31/03/2021) 3P / 8C