



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.RC(MD)No.309 of 2021

K.Kaliyamoorthy ... Petitioner/Petitioner

Vs.

State Rep. by
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
(Cr.No.769 of 2020)

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records from the lower court and to duly set-aside the order passed in Crl.M.P.No.3401 of 2020 on the file of the Special Court under the Mines and Minerals (D&R) Act 1957, Thanjavur, in the Court of Principal Sessions Judge, Thanjavur, dated 02.11.2020 and consequently release the petitioner on bail for offence under Section 451 and 457 of Cr.P.C.

For Petitioner	: Mr.G.Karnan
For Respondent	: Mr.A.Robinson
	Government Advocate (Crl.Side)

O R D E R

The petitioner claims to be the owner of the Bolero Pick Up Vehicle, bearing Registration No.TN-49-BM-8553. According to the petitioner, the alleged vehicle was seized by the respondent on 17.05.2020 in connection with a case in Crime No.769 of 2020 for the offence under Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957. Seeking return of the said vehicle, the petitioner has filed a petition before the learned Principal Sessions Judge, Thanjavur, for interim custody. The learned Principal Sessions Judge, Thanjavur, by order dated 02.11.2020 has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

2.Heard the learned counsel appearing on either side and perused the materials available on record.



3.Mr.A.Robinson, learned Government Advocate (Crl.side) has strongly objection to release the vehicle.

4. On consideration of the documentary evidence, the trial Court has dismissed the petition seeking to release the vehicle filed by the petitioner. However, Considering the facts and circumstances of the case, this Court is inclined to allow this petition.

5. Accordingly, this petition is allowed and the order of the learned Principal Sessions Judge, Thanjavur in Cr.M.P.No.3401 of 2020 is set aside and the learned Principal Sessions Judge is directed to return the vehicle subject to the petitioner on the following conditions:-

(a) The petitioner shall deposit the original Registration Certificate of the vehicle;

(b) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.769 of 2020 on the file of the learned Principal Sessions Judge, Thanjavur, within a period of two week from the date of receipt of a copy of this order;

(c) The petitioner shall not make any alteration of the vehicle;

(d) The petitioner shall produce the same before the Court as an when required.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Principal Sessions Judge,
(Special Court under the mines and minerals(D&R) Act 1957)
Thanjavur.

2.The Inspector of Police,
Budalur Police Station,
Thanjavur District.

Copy to

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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