



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27.07.2021

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

Crl.RC(MD)No.349 of 2021

WEB COPY

Nanthagopal

: Petitioner/Petitioner/
Petitioner

Vs.

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Revenue Divisional Officer,
Dindigul, Dindigul District.
- 3.The Assistant Director,
Department of Geology and Mines & Minerals,
Dindigul District.
- 4.The Tahsildar,
Dindigul West Taluk,
Dindigul District.
- 5.The State
Represented by its
The Sub Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
(Crime No.835 of 2020)

: Respondent /Respondent /
Respondents

Prayer: Criminal Revision filed under sections 397 r/w 401 of the Code of the Criminal Procedure against the order, dated 04.12.2020 made in Crl.MP No.2115 of 2020 on the file of the Principal District Sessions Judge, Dindigul and to release the petitioner's vehicle namely Tipper Lorry TN-81-B-6350.

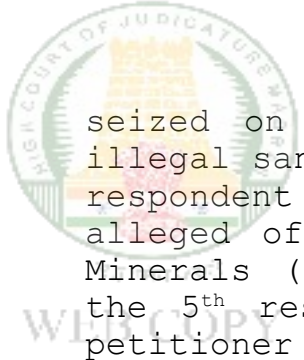
For Petitioner : Mr.Ramakrishnan
for Mr.G.Sivaraja

For Respondents : Mr.P.Kottaichamy
Government Advocate (Crl. side)

J U D G M E N T

This criminal revision is directed against the order, dated 04.12.2020 made in Crl.MP No.2115 of 2020 on the file of the Principal District Sessions Judge, Dindigul and to release the petitioner's vehicle namely Tipper Lorry TN-81-B-6350.

2.It is the case of the petitioner that he is the owner of the alleged vehicle (Tipper Lorry TN-81-B-6350) and his vehicle was



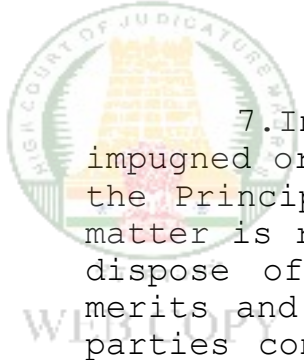
seized on the ground that it was involved in transportation of illegal sand without any valid permit and in this connection, the 5th respondent police registered a case in Crime No.835 of 2020 for the alleged offence under section 379 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and subsequently, the 5th respondent police seized the vehicle and thereafter, the petitioner filed WP(MD)No.8503 of 2020 before this court, which was dismissed with a direction to the 5th respondent Police to produce the vehicle before the jurisdiction Court forthwith and also directed the petitioner to file an application for interim custody. The petitioner filed Crl.MP No.1113 of 2020 on the file of the Principal Sessions Judge, Dindigul, for interim custody of the vehicle. The learned Judge, by order, dated 14.10.2020, allowed the petition and directed the Judicial Magistrate No.II, Dindigul to release the Tipper Lorry TN-81-B-6350 to the petitioner after strict compliance. Seeking modification of the condition in respect of depositing the RC Book of the vehicle in question I.e. Tipper Lorry TN-81-B-6350 to the learned Judicial Magistrate No.II, Dindigul, the petitioner filed Crl.MP No.2115 of 2020 on the file of the Principal Sessions Judge, Dindigul. The said petition was dismissed, on 04.12.2020 and thereby, the earlier passed in Cr.M.P No.1113 of 2020 has been recalled. Aggrieved over the same, the petitioner is before this court.

3.Heard both sides and perused the materials available on record.

4.It is the main contention of the petitioner that as per the conditional order passed in Crl.MP No.1113 of 2020, dated 14.10.2020, he deposited a sum of Rs.1,00,000/- before the District Mines and Minerals Foundation Trust, Dindigul, on 23.10.2020 and obtained acknowledgement receipt, on 27.10.2020 and the conditional order imposed by the court below is onerous.

5.It is seen from the records that the petitioner filed a petition in Crl.M.P No.1113 of 2020 for return of vehicle. The said petition was allowed, on 14.10.2020 and subsequently, the petitioner filed the petition in Crl.MP No. 2115 of 2020 for modification of the order. But the learned Principal Sessions Judge, Dindigul dismissed the petition, on 04.12.2020 and also recalled the earlier order passed in Crl.MP No.1113 of 2020, dated 14.10.2020 as the petitioner obtained the order suppressing the factum of WP(MD) No.1875 of 2020, dated 30.01.2019.

6.It is also seen from the records that as per the conditional passed in Crl.MP No.1113 of 2020, dated 14.10.2020, the petitioner deposited a sum of Rs.1,00,000/- before the District Mines and Minerals Foundation Trust, Dindigul as non-refundable deposit, on 23.10.2020 and obtained acknowledgement receipt on 27.10.2020. In view of the above circumstances, this court is of the view that the impugned order, dated 04.12.2020 is liable to be set aside and the matter is remitted back to the trial court for fresh disposal.



7. In the result, this Criminal Revision is allowed. The impugned order, dated 04.12.2020 passed in CrI.MP No.2115 of 2020 by the Principal District Sessions Judge, Dindigul, is set aside. The matter is remitted back to the Principal Sessions Judge, Dindigul to dispose of the petition CrI.MP No.2115 of 2020 afresh purely on merits and in accordance with law, after giving opportunity to the parties concerned, within a period of four weeks from the date of receipt of this order copy.

Sd/-

Assistant Registrar (CS-I)

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/ /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 Principal District and Sessions Judge, Dindigul.
2. The District Collector, Dindigul District.
3. The Revenue Divisional Officer, Dindigul District.
4. The Assistant Director,
Department of Geology and Mines & Minerals,
Dindigul District.
5. The Tahsildar,
Dindigul West Taluk, Dindigul District.
6. The Sub Inspector of Police,
Dhadikombu Police Station, Dindigul District.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:-

The Section Officer, Criminal Section(Records),
Madurai Bench of Madras High Court, Madurai.

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