



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2021

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.RC (MD) No.408 of 2021

Poosai

... Petitioner/Petitioner

Vs.

The State through
The Inspector of Police,
Manikandam Police Station,
Trichy District.
(Cr.No.623 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 in pertaining to the order of the Principal Sessions Judge, Tiruchirappalli, dated 06.05.2021 made in vacation Cr.M.P.No.70 of 2021 and set aside by allowing this revision.

For Petitioner : Mr.K.Arunraj

For Respondent : Mr.P.Kottaichamy

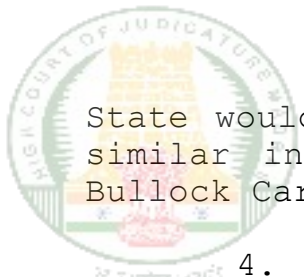
Counsel for State Government

O R D E R

The petitioner claims to be the owner of the Bullock Cart. On 09.11.2020, the Village Administrative Officer found the said Bullock Cart carrying river sand in violation of the provision of the Mines and Minerals Development Regulation Act, 1957. The respondent police has registered a case in Crime No.623 of 2020 under Section 379 IPC r/w 21(4) of Mines and Minerals (Development and Regulations) Act, 1957, and seized the said Bullock Cart. Seeking return of the said Bullock Cart, the petitioner has filed a petition before the learned Principal Sessions Judge, Tiruchirappalli District, for interim custody. The learned Judge, by order dated 06.05.2021 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.P.Kottaichamy, learned Standing Counsel appearing for



State would submit that the petitioner is having one previous case similar in nature and hence, he strongly opposed to release the Bullock Cart.

4. On consideration of the documentary evidence, the trial Court has dismissed the petition, seeking to release the Bullock Cart 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, Tiruchirappalli District in(*) **vacation** Cr.M.P.No.70 of 2021, dated 06.05.2021 is set aside and the learned Judge is directed to return the Bullock Cart subject to the petitioner on condition that the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.623 of 2020 on the file of the learned Sessions Judge, Tiruchirappalli, within a period of one week from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (P&A)

(*)Corrected as per order of this Court dated 28/07/2021 made in being mentioned

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsd

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

(*) To be substituted the order already despatched on 29/06/2021

1.The Principal Sessions Judge,
Tiruchirappalli.

2.The Inspector of Police,
Manikandam Police Station,
Trichy District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

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KM(29.06.2021) 3P 4C

KB(29.07.2021) 3P 4C