



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05/08/2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.10631 of 2021

WEB COPY

Arikrishnan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar,
Taluk Office,
R.S.Mangalam Taluk,
Ramanathapuram District.

3.The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District
(In Crime No.152 of 2021)

4.The Assistant Director,
Tamil Nadu Mines and Minerals,
Ramanathapuram, Ramanathapuram District.

5.The Manager,
HDFC Bank Ltd,
34, Nithayakalyani Tower,
North Veli Street, Madurai.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Principal District Judge, Ramanathapuram to number and taken on file the petition of interim custody of the petitioner's Tractor and Trailer in Crl.M.P.No.Unnumbered of 2021 and dispose the same on merits withing the time frame as may be fixed by this Court.

For Petitioner : Mr.T.Veerakumar

For R-1 to R4 : Mr.R.M.Anbunithi

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the Principal District Judge, Ramanathapuram to number the unnumbered petition, which was presented by the petitioner seeking interim custody of the petitioner's Tractor and Trailer in Crl.M.P.No.Unnumbered of 2021



and dispose the same on merits within the time frame fixed by this Court.

2. The case of the petitioner is that he owns a Tractor bearing Registration No.TN-65-AK-5905, which is used for agricultural purposes. He availed loan for purchasing the said vehicle from the fifth respondent and is paying installments regularly. The case has been registered in Crime No.152 of 2021 for the offences punishable under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. The third respondent seized the vehicle stating that it has been used for illegal transportation of sand. The petitioner is arrayed as the accused in the above said case. Pending investigation, the petitioner has filed a petition seeking interim custody of the vehicle and that came to be returned by the learned Principal District Judge with an endorsement that the petitioner must obtain No Objection Certificate from the bank in which the Tractor is hypothecated and loan has been obtained. Challenging the return order, the present petition came to be filed.

3. Heard both sides.

4. It appears that the vehicle belongs to the petitioner has been seized in connection with the above said criminal case. Whether the petitioner is entitled for obtaining interim custody of the vehicle or not can be the matter for consideration during hearing. The petition cannot be returned stating that No Objection Certificate must be obtained from the concerned bank. The trial court is at liberty to impose any condition after hearing the petition on merits. The docket order 15.07.2021 returning the petition appears to be not proper. On that ground, the docket order dated 15.07.2021 is set aside. The petitioner is directed to re-present the petition before the concerned court along with the copy of this order within a period of 15 days from the date of receipt of a copy of this order. On such re-presentation, the Principal District Judge, Ramanathapuram, shall number the petition and take it on file. The said petition shall be decided on merits after giving notice to all the parties concerned.

5. With the above direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM



Note: It is submitted by the learned counsel for the petitioner that the original return petition order is in the custody of the petitioner.

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 Revenue Divisional Officer,
Revenue Divisional Office,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar,
Taluk Office,
R.S.Mangalam Taluk,
Ramanathapuram District.

3.The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District

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

5.The Assistant Director,
Tamil Nadu Mines and Minerals,
Ramanathapuram,Ramanathapuram District.

6.The Principal District Judge,
Ramanathapuram.

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-25398[F] dated 05/08/2021)

Crl.O.P. (MD)No.10631 of 2021
05.08.2021

RD(16.08.2021) 3P 8C