



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.517 of 2021

Sagayaraj ... Petitioner/Petitioner/Owner of the Vehicle

Vs.

The Inspector of Police,
Alanganallur Police Station,
Madurai District.

(Cr.No.93 of 2021) ... Respondent/Respondent/Complainant

PRAYER: This Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records pertaining to impugned order, dated 23.07.2021 made in Crl.M.P.No.1060 of 2021 in Crime No.93 of 2021 on the file of the Special District Court to Deal with the Cases of Offences in Contravention of the Provision of the Mines & Minerals (D & R) Act, Madurai and set-aside the same and release of the lorry bearing Registration No.TN-63-BE-3940.

For Petitioner : Mr.A.Shajahan

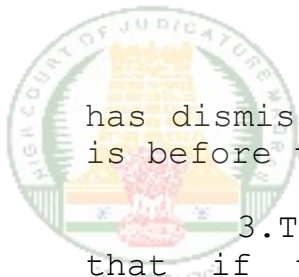
For Respondent : Mr.RMS.Sethuraman

Counsel for State Government
(Crl.side)

O R D E R

This Criminal Revision Case has been filed to set aside the order passed by the learned Special District Judge, Special District Court to Deal with the Cases of Offences in Contravention of the Provision of the Mines & Minerals (D & R) Act, 1957, Madurai in Crl.M.P.No.1060 of 2021, dated 23.07.2021.

2.The petitioner claims to be the owner of the Bharat Benz Taurus Lorry, bearing Registration No.TN-63-BE-3940. On 11.03.2021, the respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for committing the offence of transporting the illegal gravel sand and registered the case in Crime No.93 of 2021 for the offence under Section 379 IPC and 21(1) of the Mines & Minerals (D&R) Act, 1957. Subsequently, the petitioner has approached the learned Special District Judge, Special District Court to Deal with the Cases of Offences in Contravention of Provisions of the Mines & Minerals (D&R) Act, 1957, Madurai, by way of filing a petition in Crl.M.P.No.1060 of 2021 for release of the vehicle. The learned judge, by order dated 23.07.2021



has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

3.The learned counsel appearing for the petitioner submitted that if the vehicle is not returned to the petitioner, the petitioner will be put to heavy and irreparable loss. Hence, he prayed for return of the vehicle to the petitioner.

4.Mr.RMS.Sethuraman, learned counsel for State Government (Crl.side) submitted that confiscation proceedings were already initiated. This vehicle is used for similar type of offence. If the vehicle is returned to the petitioner, the vehicle will be used for similar offence and hence he has strongly opposed to release the vehicle.

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

6. It is seen that the confiscation proceedings are not yet over. The vehicle was seized by the respondent police on 11.03.2021. If the vehicle is kept in the open place, the value of the vehicle will be deteriorated, due to the exposure to climatic conditions. Hence, this Court is inclined to allow the petition with certain conditions.

7. Accordingly, this Criminal Revision Case is allowed and the order of the learned Special District Judge, Special District Court to Deal with the Cases of Offences in Contravention of Provisions of the Mines & Minerals (D&R) Act, 1957, Madurai in Crl.M.P.No.1060 of 2021, dated 23.07.2021 is set aside and the learned Judge, is directed to return the vehicle subject to the petitioner complying the following conditions:-

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

(b)the petitioner shall pay a sum of Rs.75,000/- (Rupees Seventy five thousand only) as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry) within a period of two weeks from the date of receipt of a copy of this order, failing which this petition shall stand dismissed automatically without further reference to this Court;

(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 (CS-I)

WEB COPY

// True Copy //

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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

- 1.The Special District Court to Deal with the Cases of Offences in Contravention of Provisions of the Mines & Minerals (D&R) Act, 1957, Madurai.
- 2.The Inspector of Police, Alanganallur Police Station, Madurai District.
3. The Additional Public prosecutor, Madurai Bench of Madras High Court, Madurai

Copy to

The Section Officer, Accounts Section
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-29148[F] dated 15/09/2021)

Cr1.R.C (MD) No.517 of 2021
15.09.2021

PS (CO)
KB(23.09.2021) 3P 6C