



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2021

CORAM

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

Crl.R.C(MD)No.536 of 2021

M.Meenal

... Petitioner/Petitioner
/Owner of the Vehicle

Vs.

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

... Respondent/Respondent/Complainant

PRAYER: This Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the impugned order, dated 06.08.2021 in Crl.M.P.No.1101 of 2021 passed by the Special District Judge, Special Court for Mines and Minerals at Madurai, and set aside the same and return the vehicle to the petitioner by allowing this revision.

For Petitioner : Mr.R.Alagia Nambi

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 Provisions of the Mines & Minerals (D&R) Act, 1957, Madurai.

2.The petitioner claims to be the owner of the Tipper Lorry, bearing Registration No.TN-49-S-5292. On 27.07.2019, 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 sand. Subsequently, the petitioner has approached the learned 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(MD)No.1101 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order, dated 06.08.2021, by imposing the condition No.(i) to the effect that the original of the Registration Certificate of the vehicle shall be deposited into the court until further orders in this regard. Challenging the condition No.(i) imposed by the trial Court, the petitioner is before this Court with this criminal revision.



3.The learned counsel appearing for the petitioner submitted that the original RC book is very much needed for renewal of FC purpose and hence he seeks to modify the condition No.(i) imposed by the trial Court.

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

5.The only grievance of the petitioner is that the condition No.(i) imposed by 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, is onerous.

6.In view of that, this Criminal Revision is partly allowed. 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, made in Crl.M.P.No.1101 of 2021, dated 06.08.2021 is modified in respect of the condition No.(i) alone and in the condition No.(i) it is modified to the effect that the petitioner shall produce the original Registration Certificate of the vehicle before the trial Court at the time of releasing the vehicle. In respect of other conditions, 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, shall remain unaltered.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

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



2.The Inspector of Police,
Kottampatti Police Station,
Madurai District.

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

+1 CC to M/s.R.ALAGIANAMBI, Advocate (SR-27841[F] dated
01/09/2021)

Cr1.R.C (MD) No.536 of 2021
01.09.2021

RS (14.09.2021) 3P 5C