



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.601 of 2021

WEB COPY

P.Alagarsamy

... Petitioner / Owner of the
Vehicle / 1st accused

Vs.

1.State Rep. by
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
(Cr.No.117 of 2021)

... 1st Respondent /
1st Respondent / Complainant

2.The Manager,
Sakthi Finance Ltd.,
Sivakasi Branch,
Virudhunagar District.

... 2nd Respondent /
Finance Company / Nil

PRAYER: This Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order refusal of return of vehicle passed in Crl.M.P.No.1019 of 2021, dated 05.08.2021 on the file of the Special Court to Deal with the Cases of Offences in Contravention of the Provisions of the Mines and Minerals (D & R) Act, Madurai in Crime No.117 of 2021 on the file of the 1st respondent police and set aside the same and directed to release the petitioner vehicle bearing registration No.TN-46-P-2218.

For Petitioner	: Mr.K.K.Ramakrishnan
For R1	: 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 in the order passed in Crl.M.P.No.1019 of 2021, dated 05.08.2021.

2.The petitioner claims to be the owner of the Tipper
<https://hservices.ecourts.gov.in/hservices/> Registration No.TN-46-P-2218. On 15.04.2021, the



respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal Karambai sand without any valid permit and registered a case in Crime No.117 of 2021 under Section 379 IPC and Sections 4 (1)(1A) and Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957. 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.1019 of 2021 for release of the vehicle. The learned judge, by order dated 05.08.2021 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 the petitioner is the habitual offender in similar kind of offences 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 vehicle was seized by the respondent police on 15.04.2021. 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.1019 of 2021, dated 05.08.2021 is set aside and the learned Judge, Madurai, 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 deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.117 of 2021 on the file 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, within a period of two weeks from the date of receipt of a copy of this order;

(c) the petitioner shall not make any alteration of the vehicle;

(d) the petitioner shall produce the same before the Court as and when required.

Sd/-

Assistant Registrar (CS I)

// 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

1. The Special District Judge,
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,
Peraliyur Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

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



+1 CC to M/s.K.K.RAMAKRISHNAN, Advocate (SR-28279[F] dated
06/09/2021)

Crl.R.C (MD) No.601 of 2021
06.09.2021

SRK (CO)
SB(14.09.2021) 4P 7C