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Crl.R.C(MD)No.628 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.628 of 2021

and

Crl.M.P(MD)No.6898 of 2021

G.Sasikumar

... Petitioner / Accused /
Owner of the Vehicle

Vs.

1.State Rep by its,
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(Cr.No.106 of 2021)

... 1st Respondent / Complainant

2.CNH Industrial Capital (India) Pvt.Ltd.,
Subham Square, SF - 3 Second Floor,
No.41/9, 1st Main Road and 1st street,
Karambakkam, Porur,
Chennai - 600 116.

... wnd Respondent / Finance
Complany

PRAYER: This Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order of the Special Court to Deal with the Cases of Offences in Contravention of the Provisions of Mines and Minerals (D&R) Act, Madurai in Crl.M.P.No.1370 of 2021, dated 23.08.2021 filed by the petitioner under section 451 of Cr.P.C. and set aside the same as illegal and entrust the custody of the vehicle to the petitioner.

For Petitioner

: Mr.M.Jegadeesh Pandian

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 Judge, Special District Court to Deal with the Cases of Offences in Contravention of Provisions of the Mines & Minerals (D&R) Act, Madurai, in the order passed in Crl.M.P.No.1370 of 2021, dated 23.08.2021.



2.The petitioner claims to be the owner of the JCB, bearing Registration No.TN-59-CX-2090. On 01.05.2021, 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 sands and registered the case in Crime No.106 of 2021 for the offence under Sections 379 IPC and 21 (5) of Mines and Minerals (Development and Regulation) Act 1957. Subsequently, the petitioner has approached the learned Judge, Special District Court to Deal with the Cases of Offences in Contravention of Provisions of the Mines & Minerals (D&R) Act, Madurai by way of filing a petition in Crl.M.P.No.1370 of 2021 for release of the vehicle. The learned judge, by order dated 23.08.2021 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 the petitioner is not an accused in the case. The petition was dismissed by the trial Court only on the ground that confiscation proceeding was initiated. He further submitted that if the vehicle is kept open, the value of the vehicle will be deteriorated due to rain and sun and prayed the vehicle to be returned to the petitioner.

4.Mr.RMS.Sethuraman, learned counsel for State Government (Crl.side) submitted that confiscation proceedings was initiated 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 01.05.2021 and the vehicle is in the custody of the police for the past three months. Keeping the vehicle idle for three months, will make the vehicle useless. 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 Judge, Special District Court to Deal with the Cases of Offences in Contravention of Provisions of the Mines & Minerals (D & R) Act, Madurai in Crl.M.P.No.1370 of 2021, dated 23.08.2021 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 deposit a sum of Rs.75,000/- (Rupees Seventy five thousand only) to the credit of Crime No.106 of 2021 on the file of



the learned Judge, Special District Court to Deal with the Cases of Offences in Contravention of Provisions of the Mines & Minerals (D & R) Act, Madurai, within a period of two weeks from the date of receipt of a copy of this order;

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(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.

Consequently, connected miscellaneous petition is closed.

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

**Crl.R.C(MD)No.628 of 2021 and
Crl.M.P(MD)No.6898 of 2021
13.09.2021**

SB(22.09.2021) 3P 4C

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