



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2021

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C (MD)No.631 of 2021

Raman

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
Nilakottai,
Dindigul District.
- 3.The Revenue Divisional Officer,
Dindigul,
Dindigul District.
- 4.State through
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.857 of 2021)
- 5.The Assistant Director,
Department of Geology and Mining,
Dindigul.

... Respondents

PRAYER: This Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and to set aside the order passed by the Principal Sessions Judge, Dindigul in Crl.M.P.No.2146 of 2021, dated 13.08.2021 by allowing this revision petition.

For Petitioner : Mr.S.Muniyandi

For Respondents : 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 Principal Sessions Judge, Dindigul in Crl.M.P.No.2146 of 2021, dated 13.08.2021.

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



2.The petitioner claims to be the owner of the JCB, bearing Registration No.TN-60-AD-7959. On 15.06.2021, 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 red soil and registered the case in Crime No.857 of 2021 for the offence under Sections 379 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act 1957. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Dindigul, by way of filing a petition in Crl.M.P.No.2146 of 2021 for release of the vehicle. The learned judge, by order dated 13.08.2021 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 trial Court has dismissed the petition on the ground that the vehicle was hypothecated under private finance company. He further submitted that if the vehicle is not returned to the petitioner, the petitioner will be put to heavy and irreparable loss.

4.Mr.RMS.Sethuraman, learned counsel for State Government (Crl.side) 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 15.06.2021 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 Principal Sessions Judge, Dindigul in Crl.M.P.No.2146 of 2021, dated 13.08.2021 is set aside and the learned Principal Sessions Judge, Dindigul is directed to return the vehicle subject to the petitioner complying the following conditions:-

(a)The petitioner shall produce the attested copy of the R.C Book obtained from the financier;

(b)The petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy five thousand only) to the credit of Crime No.857 of 2021 on the file of the learned Principal Sessions Judge, Dindigul, 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



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

Sd/-

Assistant Registrar (Records)

WEB COPY

// 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 Principal Sessions Judge,
Dindigul.
- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.The Tahsildar,
Nilakottai,
Dindigul District.
- 4.The Revenue Divisional Officer,
Dindigul,
Dindigul District.
- 5.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
- 6.The Assistant Director,
Department of Geology and Mining,
Dindigul.
- 7.The additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.R.C (MD) No.631 of 2021
13.09.2021

vsd

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