



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2021

CORAM

WEB COPY

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

Crl.R.C(MD)No.643 of 2021

G.Rajkumar

... Petitioner/Appellant

Vs.

1.State Rep. by

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

(Cr.No.92 of 2021)

...1st Respondent/Complainant

2.Vignesh

3.Alagupandi

4.Moorthi

... Respondents Nos.2 to 4/Accused

PRAYER: This Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order passed in Crl.M.P.No.1007 of 2021 on the file of the Special Court Deal with the Cases of Offences in Contravention of the Provisions of the Mines & Minerals (D & R) Act, Madurai, dated 09.08.2021.

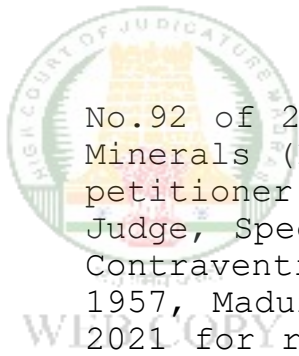
For Petitioner : Mr.S.MP.Amalan

For R1 : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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.1007 of 2021, dated 09.08.2021.

2.The petitioner claims to be the owner of the Tipper Lorries bearing Registration Nos.TN-04-C-2453 and TN-01-AT-4501 and TN-59-W-7030 and JCB bearing Registration No.TN-59-CX-6718. On 12.04.2021, the respondent police intercepted the vehicles of the petitioner and seized the same on the ground that it was used for carrying illegal gravel sand without any valid permit and registered a case in Crime



No.92 of 2021 under Section 379 IPC 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.1007 of 2021 for release of the vehicle. The learned judge, by order dated 09.08.2021 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 vehicles are not returned to the petitioner, the petitioner will be put to heavy and irreparable loss. Hence, he prayed for return of the vehicles to the petitioner.

4.Mr.RMS.Sethuraman, learned Additional Public Prosecutor submitted that the petitioner is the habitual offender in similar kind of offences and hence he has strongly opposed to release the vehicles.

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

6. It is seen that the vehicles were seized by the respondent police on 12.04.2021. If the vehicles are kept in the open place, the value of the vehicles 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.1007 of 2021, dated 09.08.2021 is set aside and the learned Judge is directed to return the vehicles subject to the petitioner complying the following conditions:-

(a)the petitioner shall produce the Original Registration Certificate of the vehicles;

(b)the petitioner shall deposit a sum of Rs.50,000/- for each Tipper Lorry (Rupees Fifty thousand only) and Rs.75,000/- for the JCB (Rupees Seventy Five thousand only) to the credit of Crime No.92 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;

<https://hcservices.ecourts.gov.in/hcservices/>(c) the petitioner shall not make any alteration



of the vehicles;

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

Sd/-

Assistant Registrar (CS-II)

// 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 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,
Keelavalavoo Police Station,
Madurai District.

Crl.R.C (MD) No.643 of 2021
16.09.2021

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