



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

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

Crl.R.C(MD)No.669 of 2021

Selin Rose

... Petitioner/Owner of the
vehicle

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Assistant Director,
Department of Geology and Mining,
Dindigul,
Dindigul District.
- 3.The Revenue Divisional Officer,
Dindigul,
Dindigul District.
- 4.The Tahsildar,
Authoor,
Dindigul District.
- 5.The State Rep. through
The Sub Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
(Cr.No.77 of 2021)

... Respondents

PRAYER: This Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to set-aside the impugned order, dated 04.08.2021 made in Crl.M.P.No.1779 of 2021 on the file of the Principal Sessions Judge, Dindigul and consequently to direct the 5th respondent to return the petitioner's vehicle namely JCB [Earth Moving Machine] bearing Registration number TN-57-BF-8928 and its Engine Number H0018453 and its Chassis number RAJ3DXSSH0274648 to the petitioner forthwith.

For Petitioner : Mr.N.Sakthiyendran

For Respondents : 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 Principal Sessions Judge, Dindigul, in the order passed in Crl.M.P.No.1779 of 2021, dated 04.08.2021.

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2.The petitioner claims to be the owner of the JCB [Earth Moving Machine], bearing Registration No.TN-57-BF-8928 and its Engine No.H0018453 and its Chassis No.RAJ3DXSSH0274648. On 12.03.2021, the respondent police seized the vehicle on the ground that it was used for committing the offence of transporting the soil and registered the case in Crime No.77 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.1779 of 2021 for release of the vehicle. The learned judge, by order dated 04.08.2021 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 already involved similar type of case and the original R.C.Book was deposited into the jurisdictional Court. 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 Additional Public Prosecutor appearing for the respondent police submitted that this vehicle is used for similar type of offence. If the vehicle is returned to the petitioner, the vehicle will be used for similar offence 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 12.03.2021 and the vehicle is in the custody of the police for the past six months. Keeping the vehicle idle for six 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.1779 of 2021, dated 04.08.2021 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 certified copy of the original Registration Certificate of the vehicle obtained from the learned Judicial Magistrate No.III, Dindigul;

(b)The petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy five thousand only) to the credit of Crime No.77 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 vehicle;

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

Sd/-

Assistant Registrar (P&A)

// 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 Principal Sessions Judge,
Dindigul.

2.The Judicial Magistrate No.III, Dindigul.

3.The District Collector,
Dindigul District, Dindigul.

4.The Assistant Director,
Department of Geology and Mining,
Dindigul, Dindigul District.

5.The Revenue Divisional Officer,
Dindigul, Dindigul District.



6.The Tahsildar,
Authoor, Dindigul District.

7.The Sub Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-30225[F] dated
24/09/2021)

Crl.R.C (MD) No.669 of 2021
24.09.2021

RK (07.10.2021) 4P 10C