



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **07.10.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**
Crl.R.C. (MD)No.727 of 2021

WEB COPY

M.Chandran

... Petitioner

Vs.

1.The District Collector,
Dindugul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindugul District,
Dindugul.

3.The Assistant Director,
Geology and mining,
Collectorate,
Dindugul District.

4.The Tahsildar,
Nilakottai Taluk,
Dindugul District.

5.The Inspector of Police,
Pattiveeranpatti Police Station,
Dindugul District.
(in Crime No.887/2020)

...Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records and allow this Criminal Revision Petition by setting aside the order passed in Cr.M.P.No.855 of 2021 by the learned Principal Sessions Judge, Dindigul, dated 06.03.2021.

For Petitioner : Mr.S.Sivaprakash

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

O R D E R

This Criminal Revision Case has been filed against the impugned order dated 06.03.2021, made in Cr.M.P.No.855 of 2021, on the file of the learned Principal Sessions Judge, Dindigul,

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



2.The petitioner is the owner of the unregistered Tractor and Trailer bearing Engine No.S3255K19720, Chasis No.MEABAFBIDK2240638, Model No.MF725046 HP. He had purchased the said vehicle on 28.08.2020 and thereafter, within four days, in a case registered by the fifth respondent i.e., Crime No.887 of 2021 under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, the said vehicle was recovered and produced before the learned Judicial Magistrate, Nilakottai and after words, the same is under the custody of the Judicial Magistrate Court, Nilakottai. In the meantime, in order to obtain the interim custody of the said vehicle, the petitioner filed a petition in W.P(MD) No.2023 of 2021, wherein on 05.02.2021, this Court directed the learned Principal Sessions Judge, Dindigul, to consider the said prayer by considering the original invoice pertains to the vehicle. Subsequent to the said order, the petitioner herein has not produced the original invoice before the Court and therefore, on 06.03.2021, the trial Court had dismissed the petition filed by the petitioner and refused to grant an order for interim custody. Only in the said situation, the petitioner is before this Court with this criminal revision case.

3.It is the contention raised by the learned counsel for the petitioner that the original Invoice No.451, dated 28.08.2020, Ganapathy Automobiles, Dindigul, is always available with the petitioner and due to lack of communication, he has not handed over the same to his counsel and therefore, the learned counsel appeared on behalf of the petitioner was not in a position to produce the same before the trial Court. He would further submit that only in the said circumstances, the petitioner is before this Court, wherein, he prayed one more chance for producing the original invoice before the trial Court and accordingly, he prayed to set aside the order dated 06.03.2021 made in Cr.M.P.No.855 of 2021.

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

5.Admittedly, the petitioner was not arrayed as an accused in the above referred case. The learned Government Advocate (Crl. side) appearing for the respondents fairly conceded that the petitioner is not having any similar case, also in order to show his *bona fide*, the petitioner has produced a copy of the invoice, before this Court. Now, in the said situation, I am of the opinion that since the said vehicle is new one, if the same is kept in open space and exposed to sun light and rain, it would lose its value. Apart from that no purpose will be served by keeping the vehicle in question in the custody of the respondent.



6.In view of the above, the impugned order dated 06.03.2021, passed in Crl.M.P.No.855 of 2021 by the learned principal Sessions Judge, Dindigul, is set aside and the learned Principal Sessions Judge, Dindigul, is directed to re-consider the prayer sought for by the petitioner on production of original invoice pertains to the vehicle and pass orders on merits and in accordance with law as expeditiously as possible. Accordingly, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

To:-

1.The Principal Sessions Judge, Dindigul.

2.The District Collector,
Dindugul District, Dindigul.

3.The Revenue Divisional Officer,
Dindugul District,Dindugul.

4.The Assistant Director,
Geology and mining,
Collectorate, Dindugul District.

5.The Tahsildar,
Nilakottai Taluk,
Dindugul District.

6.The Inspector of Police,
Pattiveeranpatti Police Station,
Dindugul District.

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

Crl.R.C. (MD) No.727 of 2021

07.10.2021