



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.11.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.716 of 2021

Kalyani

.. Petitioner

Vs.

State Represented by its,
Inspector of Police,
Sindupatti Police Station,
Madurai.
Crime No.55 of 2021

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to set aside the order dated 19.08.2021 made in Criminal Miscellaneous petition No.1336 of 2021 on the file of the Special Court to deal with the cases of offences in contravention of the provisions of the Mines and Minerals (D&R) Act, Madurai and allow this revision petition and the return the vehicle Tipper lorry bearing registration No.TN 48 V 7171 seized in connection with crime No.55 of 2021 on the file of the respondent Police.

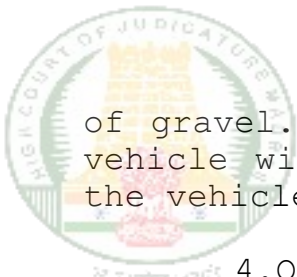
For Petitioner	: Mr.S.Balaji
For Respondent	: Mrs.K.Asha
	Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.1336 of 2021 dated 19.08.2021, on the file of the Special Court to deal with the cases under the Mines and Minerals (D&R) Act, Madurai, to grant interim custody of tipper lorry bearing Registration No.TN-48-V-7171 to the petitioner.

2.The petitioner claims to be the owner of the tipper lorry bearing registration No.TN-48-V-7171, which was seized by the respondent Police in Crime No.55 of 2021 under Sections 379 of IPC and Section 21(1) of Mines and Minerals (D&R) Act, has filed a petition in Cr.M.P.No.1336 of 2021 before the Special Court for the Mines and Minerals (D&R) Act, Madurai, for return of the vehicle. The petition was dismissed by the trial Court. Against which, the petitioner has preferred this revision case.

3.On the side of the petitioner, it is stated that the vehicle was seized on 18.03.2021 and is kept in the open space. The allegation is that the vehicle was used for transporting half unit



of gravel. If the vehicle is left in open place, the value of the vehicle will be deteriorated due to climatic conditions and prayed the vehicle to be returned for interim custody.

4. On the side of the respondent, it is stated that confiscation proceedings was initiated. The petitioner is having four previous cases. Out of the four previous cases, two are similar in nature. If the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission similar offence and prayed the petition to be dismissed.

5. A perusal of the records reveals that the impugned order is under Sections 457 and 458 of Cr.P.C., to confiscate the vehicle during the pendency of the case. Applying Sections 457 and 458 of Cr.P.C., at this stage is unwarranted before the completion of the trial.

6. Leaving the vehicle in the open place exposing it to climatic conditions, will make the vehicle useless. Hence, this Criminal Revision Case is allowed and the order of the learned Judge, Special Court to deal with the cases under the Mines and Minerals (D&R) Act, Madurai in Cr.M.P.No.1336 of 2021 is hereby set aside. The vehicle is directed to be returned to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:

(i) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakhs only) to the credit of Crime No.55 of 2021 on the file of the learned Judge, Special Court to deal with the cases of offences in contravention of the provisions of the Mines and Minerals (D&R) Act, Madurai within a period of two weeks from the date of receipt of a copy of this order ;

(ii) The petitioner is directed to execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Judge, Special Court to deal with the cases of offences in contravention of the provisions of the Mines and Minerals (D&R) Act, Madurai ;

(iii) The petitioner shall deposit the original Registration Certificate of the vehicle with the learned Judge, Special Court to deal with the cases of offences in contravention of the provisions of the Mines and Minerals (D&R) Act, Madurai;

(iv) The petitioner shall not alienate and shall not make any alteration in the vehicle ;

(v) The petitioner shall produce the vehicle before the Court and before the respondent as and when required and this order is subject to the final



order to be passed in the confiscation proceedings ;
(vi)The petitioner shall not use the vehicle
for commission of any offence ;
(vii)If the aforesaid conditions are not
complied, the order of interim custody of vehicle
stands automatically cancelled.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

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,
Special Court to deal with the cases of offences in contravention
of the provisions
of the Mines and Minerals (D&R) Act,
Madurai.
- 2.The Inspector of Police,
Sindupatti Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S. BALAJI, Advocate (SR-35929[F] dated 25/11/2021)

Crl. R.C.(MD)No.716 of 2021
25.11.2021

SK(CO)
KB(10.12.2021) 3P 5C