



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 10.11.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.735 of 2021

Alex

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

3.The Revenue Divisional Officer,
Nilakottai,
Dindigul District.

4.The State Represented by its,
the Inspector of Police,
Virusveedu Police Station,
Dindigul District.
(Crime No.792 of 2020)

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

... Respondents

Prayer : This criminal revision case is filed under Sections 397 & 401 of Cr.P.C., to set aside the order dated 29.07.2021 made in Crl.M.P.No.2140 of 2021 on the file of the learned Principal Sessions Judge, Dindigul and to pass any other order or direction to release the petitioner's vehicle namely Tractor bearing registration no.TN-57-BX-3736 and its Trailer.

For Petitioner
For Respondents

: Mr.A.Karthick Kumar
: Mr.K.Sanjay Gandhi
Government Advocate



ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.2140 of 2021 dated 29.07.2021, on the file of the learned Principal Sessions Judge, Dindigul to grant interim custody of tractor bearing Registration No.TN-57-BX-3736 and its Trailer to the petitioner.

2.The petitioner claims to be the owner of the tractor bearing registration No. TN-57-BX-3736, along with trailer which was seized by the respondent Police in Crime No.792 of 2020 for the offence under Section 379 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act. The petitioner has filed a petition in Cr.M.P.No.2140 of 2021 before the learned Principal District and Sessions Judge, Pudukkottai 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 petitioner's vehicle was seized on 25.09.2020 and is kept in the open place. The value of the vehicle will be deteriorated due to the exposure to sun and rain. The petitioner was not present at the time of seizure of the vehicle. There was no previous case against the petitioner. The petitioner is ready to produce 'No Objection Certificate' from the finance company and prayed the vehicle to be returned for interim custody.

4.On the side of the respondents, it is stated that the petitioner is the owner of the tractor. The vehicle was seized with one unit of sand. If the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar offence and prayed the petition to be dismissed.

5.If the vehicle is kept in a open place, the value of the vehicle will be deteriorated. Hence, this Criminal Revision Case is allowed and the order of the learned Principal Sessions Judge, Dindigul in Cr.M.P.No.2140 of 2021 is set aside and the learned Judge is directed to return the tractor along the trailer to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:

(i)The petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of Crime No.792 of 2020 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 ;

(ii)The petitioner is directed to execute a bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) with two sureties, each for a like sum to the

petitioner for the return of the tractor to the learned Principal Sessions Judge, Dindigul.



Sessions Judge, Dindigul ;

(iii)The petitioner shall deposit the original Registration Certificate of the vehicle with the learned Principal Sessions Judge, Dindigul ;

(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)If the aforesaid conditions are not complied, the order of interim custody of vehicle stands automatically cancelled.

Sd/-

Assistant Registrar (CS III)

// 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 Principal Sessions Judge,
Dindigul.
- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.The Tahsildar,
Nilakottai Taluk,
Dindigul District.
- 4.The Revenue Divisional Officer,
Nilakottai,
Dindigul District.
- 5.The Inspector of Police,
Viruveedu Police Station,
Dindigul District.



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

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

Copy to:

The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.A.KARTHICK KUMAR, Advocate (SR-34186[F] dated
11/11/2021)

Crl. R.C. (MD)No.735 of 2021
10.11.2021

TSK (CO)

RS/SKN (23.11.2021) 4P 11C