



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.771 of 2021

S.Rajkumar

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Nagamalaipudukkottai Police Station,
Madurai District.
(Crime No.2222 of 2020)

.. Respondent

Prayer : This Revision Case is filed under Sections 397 read with Section 401 of Cr.P.C., to call for the records pertaining to the impugned order passed in Cr.M.P.No.1626 of 2021, dated 08.09.2021, by 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 to set aside the condition No.viii, in so far as the direction for deposit sum of Rs.20,000/- to the credit of Crime No.2222 of 2020 on the file of the respondent police within the time period stipulated by this Court.

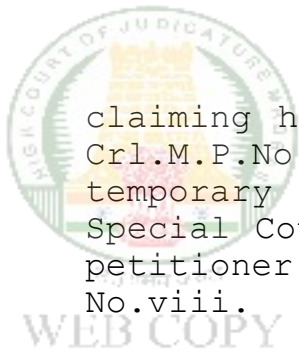
For Petitioner : Mr.T.Thirumurugan

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (Crl.side)

ORDER

This Revision is filed to call for the records pertaining to the impugned order passed in Cr.M.P.No.1626 of 2021, dated 08.09.2021, by the Special Court, Madurai and to set aside the condition No.viii, in so far as the direction for deposit a sum of Rs.20,000/- to the credit of Crime No.2222 of 2020 on the file of the respondent police within the time period stipulated by this Court.

2. A two wheeler, viz., Bajaj Pulsar 150-DTS-I, bearing Registration No.TN-59-CZ-5127 was seized by the respondent police, in Crime No.2222 of 2020, under Sections 379, 430 I.P.C. and Section 21(5) of Mines and Minerals (D & R) Act, 1957. The petitioner



claiming himself as the owner of the vehicle filed a petition in Crl.M.P.No.1626 of 2021 before the Special Court, Madurai, for temporary return of the vehicle. That petition was allowed by the Special Court, Madurai, on 08.09.2021, with certain conditions. The petitioner has preferred this Revision against the condition No.viii.

3. On the side of the petitioner, it is stated that the vehicle is only an old two wheeler and the cost of the two wheeler is much less than the amount to be deposited. It is further stated that from 03.09.2020 onwards the vehicle is kept in the open place and the value of the vehicle will be deteriorated day by day due to climatic conditions and hence, prayed the condition No.viii to be set aside.

4. On the side of the prosecution, it is stated that to ensure the production of the vehicle at the time of trial and at the time of confiscation, the condition was imposed by the trial Court and the condition imposed by the trial Court is reasonable and prayed the petition to be dismissed.

5. A perusal of the R.C. book of the vehicle reveals that the vehicle was registered on 21.12.2018 and the vehicle is not an old vehicle. To ensure the production of the vehicle on the date of hearing and at the time of confiscation, the deposit is necessary. But, considering the value of the vehicle and considering the nature of offence, the amount of cash deposit is reduced to Rs.10,000/-.

6. This Criminal Revision Case is partly allowed and the condition No.viii, is hereby modified to the effect that the petitioner has to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.2222 of 2020. In respect of other conditions, the order of the Special Court shall remain unaltered.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

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 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,
Nagamalaipudukkottai Police Station,
Madurai District.

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

+1 CC to M/s.T. THIRUMURUGAN, Advocate (SR-33864[F] dated 09/11/2021)

Crl. R.C.(MD)No.771 of 2021
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RD/NS(24.11.2021) 3P 5C