



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 19.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.851 of 2021

P.Murugan

.. Petitioner/Petitioner

Vs.

1.The Inspector of Police,
Silaيمان Police Station,
Madurai District.
(Crime No.101 of 2021)

2.TATA Motors Finance Ltd.,
Madurai.

.. Respondents/Respondents

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records in Crl.M.P.No.855 of 2021 on the file of the Special Court to Deal with the cases of offences in contravention of the provisions of the Mines & Minerals Act, Madurai, dated 10.08.2021 and consequently direct the respondent police to handover the vehicle (TATA 407 TN 59 CA 5442) to the petitioner.

For Petitioner	: Mr.R.Venkatesan
For Respondents	: Mrs.K.Asha
	Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.855 of 2021 dated 10.08.2021, on the file of the Special Court to Deal with the cases of offences in contravention of the provisions of the Mines & Minerals Act, Madurai, to grant interim custody of vehicle bearing Registration No.TN-59-CA-5442 to the petitioner.

2.The petitioner claims to be the owner of the vehicle bearing registration No. TN-59-CA-5442, which was seized by the respondent Police in Crime No.101 of 2021 for the offence under Section 379 of IPC r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, has filed a petition in Cr.M.P.No.855 of 2021 before the Special Court to Deal with the cases of offences in



contravention of the provisions of the Mines & Minerals 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 trial Court failed to consider the decisions of the Hon'ble Apex Court in the cases of **Ram Prakash Sharma v. State of Haryana** reported in **AIR 1978 SC 1282**, **Rajendran Prasad v. State of Bihar** reported in **2001 (10) SCC 88** and **Ambalal Desai v. State of Gujarat** reported in **(2002) 10 SCC 283**. The trial Court failed to consider that the vehicle is lying in the custody of the respondent police in the open space and the value of the vehicle is getting deteriorated day by day. The vehicle is the only livelihood of the petitioner and prayed the vehicle to be returned for interim custody.

4. On the side of the respondents, it is stated that the petitioner is A1 in the case. There are three previous cases of similar nature against the petitioner. 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. Considering the fact that the petitioner is A1 in the case and that there are four previous cases against the petitioner and considering the fact that the alleged offence is against the Society and considering the fact that there may be chance for the vehicle to use for commission of similar offence again, this Court is not inclined to return the vehicle. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(CS-I)

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/ /2021

Sub Assistant Registrar(CS)

Mrn



To

- 1.The Judge,
the Special Court to Deal with
the cases of offences in contravention of
the provisions of the Mines & Minerals Act, Madurai,
- 2.The Inspector of Police,
Silaiman Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.851 of 2021
19.11.2021

TSK(CO)
TR(06.12.2021) 3P 4C