



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.817 of 2021

Ramachandran

... Petitioner/Petitioner/
owner of the Vehicle

Vs.

The Inspector of Police,
T.Ramanathapuram Police Station,
Madurai (District).

... Respondent/ Respondent/
Complainant

Prayer : This Revision Case is filed under Sections 397 r/w. Section 401 of Cr.P.C., to call for the records of the impugned order dated 08.11.2021 in Crl.M.P.No.2390 of 2021 passed by the learned Special District Judge, Special Court for Mines and Minerals at Madurai, and set aside the condition (i) imposed by the learned Special District Judge, Special Court for Mines and Minerals at Madurai, and return the Vehicle bearing registration No.TN-20-AT-4113 to the petitioner by allowing this revision.

For Petitioner : Mr.S.Ramsundarvijayaraj

For Respondent : Mrs.M.Asha
Government Advocate.

ORDER

This Criminal Revision has been filed to call for the records of the impugned order dated 08.11.2021 in Crl.M.P.No.2390 of 2021 passed by the learned Special District Judge, Special Court for cases under the Mines and Minerals Act Madurai, and set aside the condition (i) imposed by the learned Special District Judge, Special Court for cases under the Mines and Minerals Act Madurai.

2. A Tipper Lorry bearing Registration No.TN-20-AT-4113 was seized by the respondent police in a Crime No. 40 of 2021 under Section 379 I.P.C r/w Sections 21(5), of Mines and Minerals (Development and Regulation) Act, 1957. The petitioner claiming himself as the owner of the vehicle filed a petition in Crl.M.P.No.2390 of 2021 for the return of vehicle. The Special



Court for cases under the Mines and Minerals Act Madurai allowed the petition on certain conditions. Against the condition No.(1), the petitioner has preferred this Criminal Revision Petition.

3. On the side of the revision petitioner, it is stated that the petitioner require the RC Book for renewal of licence and for hypothecating the vehicle and the condition is an onerous condition and prayed the condition to be set aside.

4. On the side of the prosecution, it is stated that investigation is still pending. To ensure the protection of the vehicle, at the time of trial and at the time of confiscation, deposit of RC Book is necessary.

5. It is seen that the allegation is that vehicle was used for commission of an offence against nature and against the society. Even if the vehicle is returned to him, the petitioner is not entitled to sell or hypothecate the vehicle till the disposal of the case. To ensure the production of the vehicle at the time of trial and at the time of confiscation, deposit of the RC Book before the Trial Court is necessary. The condition imposed by the Trial Court is reasonable, hence this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga/csm

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 District Judge,
Special Court for Mines and Minerals,
Madurai.

2.The Inspector of Police,
T.Ramanathapuram Police Station,
Madurai (District).



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

Copy to

The Section Officer,
Criminal Section,
Maurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S. RAMSUNDARVIJAYRAJ, Advocate (SR-34501[F] dated
15/11/2021)

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RK(07/12/2021) 3P 7C