



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.11.2021
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.818 of 2021

WEB COPY

P.Prakash

... Petitioner/ Petitioner/
Owner of the Vehicle

Vs.

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

... Respondent no.1/
Respondent no.1/Complainant

2.Sundaram Finance Ltd,
Kochadai Branch,
No.11/1b, 1st floor, G.V.Complex,
Opp. Ponmeni Bus Stop,
Madurai-625010.

... Respondent no.2/
Respondent no.2/
Insurance company

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.2388 of 2021 passed by the learned Special District Judge, Special Court for Mines and Minerals at Madurai, and set aside the condition No.1 imposed by the learned Special District Judge, Special Court for Mines and Minerals at Madurai and return the vehicle bearing registration No TN-58AS-7653 to the petitioner by allowing this revision.

For Petitioner : Mr.S.Ramsundarvijayraj

For Respondents : 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.2388 of 2021 passed by the learned Special District Judge, Special Court for cases under the Mines and Minerals at Madurai, and to set aside the condition No.1 imposed by the learned Special District Judge, Special Court for Mines and Minerals at Madurai, and return the Vehicle bearing registration No.TN-58-AS-7653 to the petitioner by allowing this revision.



2. A JCB bearing Registration No.TN-58-AS-7653 was seized by the respondent police in 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.2388 of 2021 for the return of the 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 the 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. Hence 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.

<https://hcservices.ecourts.gov.in/hcservices/>



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,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S. RAMSUNDARVIJAYRAJ, Advocate (SR-34500[F] dated
15/11/2021)

Crl. R.C.(MD)No.818 of 2021
15.11.2021

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