



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 15.11.2021**

**CORAM**

**THE HONOURABLE MRS. JUSTICE R. THARANI**

**CRL R.C. (MD)No.819 of 2021**

WEB COPY

P.Poopandi

.. Petitioner/Petitioner/  
owner of the Vehicle  
Vs.

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

.. 1<sup>st</sup> Respondent/1<sup>st</sup> Respondent/  
Complainant

2.Sakthi Finance Ltd,  
Near RMTD Depot,  
Palani Chettypatti,  
Theni District.

.. 2<sup>nd</sup> Respondent/2<sup>nd</sup> respondent/  
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 CrI.M.P.No.2389 of 2021 passed by the learned Special District Judge, Special Court for 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 to return the Vehicle bearing registration No.TN-64-J-8487 to the petitioner by allowing this revision.

For Petitioner  
For R1

: Mr.S.Ramsundarvijayraj  
: Mrs.K.Asha  
Government Advocate

**ORDER**

This Criminal Revision has been filed to call for the records of the impugned order, dated 08/11/2021, in CrI.M.P.No.2389 of 2021 passed by the learned Special District Judge, Special Court for 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 to return the Vehicle bearing registration No.TN-64-J-8487 to the petitioner by allowing this revision.

2. A vehicle namely, Tipper Lorry bearing Registration No.TN-64-J-8487 was seized by the respondent police in Crime No. 40 of 2021 under Sections 379 I.P.C and 21(5) of Mines and Minerals (Development and Regulation) Act 1957. The petitioner claimed himself as the owner of the vehicle, filed a petition in CrI.M.P.No.2389 of 2021 for temporary return of the vehicle. The Special Court for Mines and Minerals at Madurai has 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. 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.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.

+1 CC to M/s.S. RAMSUNDARVIJAYRAJ, Advocate (SR-34499[F]  
dated 15/11/2021)

CRL R.C.(MD)No.819 of 2021

15.11.2021

VR (CO)

<https://hccs2.courts.gov.in/services/P5C>