



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 18.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.844 of 2021

WEB COPY

K.Palpandian

... Petitioner/Petitioner/Owner 1st Accused

Vs.

1.State Represented by its,

Inspector of Police,

KoodalPudur Police Station (L&O),

Madurai District.

(Crime No.331 of 2021) ... Respondent/1st Respondent/Complainant

2.Rajakannan

... Respondent/2nd Respondent/2nd Accused

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records and to set aside the conditional order as far as to deposit the original RC book of the vehicle and to deposit of cash surety of a sum of Rs.50,000/- imposed in the Crl.M.P.No.1111 of 2021 on the file of the learned Special District Court for Mines and Minerals (D&R) Act, Madurai dated 30.07.2021.

For Petitioner

: Mr.M.Vivek Kumar

For 1st Respondent

: Mrs.K.Asha

Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.1111 of 2021 dated 30.07.2021, on the file of the learned Special District Court for Mines and Minerals (D&R) Act, Madurai in respect of condition Nos.1 and 7 alone.

2.The first respondent seized a tipper lorry bearing Registration No.TN-05-AC-0150 used for sand theft and produced the property before the Court. The petitioner claiming himself to be the owner of the tipper lorry, has approached the Special District Court for Mines and Minerals (D& R) Act, Madurai, by filing a petition for release of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.1111 of 2021 dated 30.07.2021, by imposing the conditions to the effect that "the petitioner shall deposit into Court the original Registration Certificate of the vehicle and the petitioner shall deposit a cash surety of a sum of Rs.50,000/- to the credit of this case and also to execute a bond for a sum of Rs.1,00,000/- along with two sureties for a like sum to the satisfaction of this Court". Challenging the aforesaid conditions, the petitioner is before this Court with this revision case.



3.On the side of the petitioner, it is stated that the petitioner was having permit and trip sheet dated 28.04.2021 to transport M sand. But due to the break down of the vehicle and due to the declaration of lockdown, he could not transport the M sand within the time. When the petitioner was transporting the M sand, the Police waylaid the petitioner. Though the petitioner showed the permit and other documents, with some ulterior motive, the police seized the vehicle and registered a case as if the petitioner committed theft of river sand. The petitioner got the soil test report and produced the same before the Court. There is no previous case against the petitioner. The Court has not taken the document into consideration, since the soil test was not conducted by Government officials and prayed to set aside the conditions.

4.On the side of the respondents, it is stated that the vehicle was seized for being used in transporting river sand. To curtail the illegal transportation of the river sand, the conditions imposed by the Court are reasonable. The petitioner is A1 in the case and prayed the petition to be dismissed.

5.Whether the petitioner transported river sand or M sand is not a criteria to be decided in the petition. This petition is only for setting aside the conditions imposed by the Special Court. The Special Court directed the petitioner to deposit a sum of Rs.50,000/- to the credit of this case and also to execute a bond for a sum of Rs.1,00,000/- along with two sureties for a likesum to the satisfaction of this Court. Considering the nature of offence and considering the value of the vehicle, the conditions imposed by the Special Court are all reasonable. To ensure the production of the vehicle at the time of trial and at the time of confiscation, if any, the condition to deposit the original registration certificate is reasonable.

6.In the above circumstances, there is nothing sufficient enough to interfere in the order of the Special Court in Cr.M.P.No.1111 of 2021 dated 30.07.2021, on the file of the learned Special District Court for Mines and Minerals (D&R) Act, Madurai. Hence, this Criminal Revision Cases is dismissed.

Sd/-

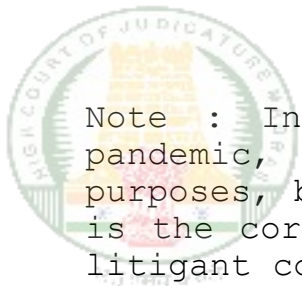
Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn



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.

WEB COPY

1.The Special District Court for Mines and Minerals (D&R) Act,
Madurai.

2.The Inspector of Police,
KoodalPudur Police Station (L&O),
Madurai District.

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

+1 CC to M/s.M. VIVEKKUMAR, Advocate (SR-35078[F] dated 18/11/2021)

Crl. R.C.(MD)No.844 of 2021
18.11.2021

TSK(CO)
KB(08.12.2021) 3P 5C