



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.866 of 2021

Ranjitha

.. Petitioner

Vs.

1.State Rep. by,
The Inspector of Police,
Samayanallur Police Station,
Madurai. (Crime No.343 of 2021)

2.The Manager,
Abhay Finance,
Misri Kiruba,
39, Kalathi Pillai Street,
Sowkarpeth, Chennai - 600 079.

.. Respondents

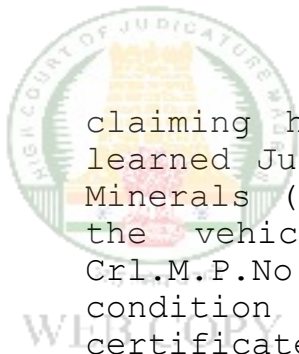
Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records and to set aside the condition no.1 imposed in Crl.M.P.No.1909 of 2021 on 22.10.2021 by the Special Court to deal with the cases of Offences in contravention of the provisions of the Mines and Minerals (D& R) Act, Madurai, with regard to deposit of original registration certificate of Petitioner's Taurus Lorry registration No.TN-28-AY-0879.

For Petitioner	: Mr.L.Shaji Chellan
For 1 st Respondent	: Mrs.K.Asha
	Government Advocate

ORDER

This petition has been filed to set aside the condition imposed in the order passed in Cr.M.P.No.1909 of 2021 dated 22.10.2021, on the file of the learned Judge, Special Court to deal with the case under Mines and Minerals (D& R) Act, Madurai, in respect of condition No.1 alone.

2.A Taurus lorry bearing Registration No.TN-28-AY-0879 was seized by the respondent police in Crime No.343 of 2021 under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation)Act. Subsequently, the petitioner



claiming himself as the owner of the lorry, has approached the learned Judge, Special Court to deal with the case under 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.1909 of 2021 dated 22.10.2021, by imposing the first condition to the effect that "(i)the original of the registration certificate of a Taurus lorry shall be deposited in the Court until further orders in this regard". Challenging the aforesaid condition, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the R.C. Book is with the second respondent, who is a finance company. The petitioner is not in a position to deposit the R.C. Book before the trial Court and prayed to set aside the condition.

4.On the side of the first respondent, it is stated that the condition imposed by the Special Court is reasonable and there is no necessity to set aside or modify the condition and prayed the petition to be dismissed.

5.Getting finance help from the private institution is a problem between the petitioner and the second respondent. To ensure the protection of the vehicle at the time of trial and at the time of confiscation proceedings, the condition no.1 imposed by the learned Special Judge is reasonable. There is nothing sufficient enough to interfere in the order passed by the Special Court.

6.In the above circumstances, this Criminal Revision Case is dismissed and the order of the learned Judge, Special Court to deal with the case under Mines and Minerals (D& R) Act, Madurai, in Cr.M.P.No.1909 of 2021 dated 22.10.2021, is confirmed.

Sd/-

Assistant Registrar (CS III)

// 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.

To

1.The Judge,

Special Court to deal with the cases under the Mines and Minerals

(D& R) Act, Madurai.



2.The Inspector of Police,
Samayanallur Police Station,
Madurai.

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

+1 CC to M/s.L.SHAJI CHELLAN, Advocate (SR-36250[F] dated
29/11/2021)

Crl. R.C.(MD)No.866 of 2021
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MGJ(08.12.2021) 3P 5C