



WEB COPY



CrI.O.P.No.5619 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

CrI.O.P.No.5619 of 2021 and
CrI.M.P.No.3616 of 2021

T.Sakthivel

...Petitioner

Vs.

State Rep. By

1. the Inspector of Police,
Arakanda Nallore Police Station,
Villupuram District.
(Cr.No.947 of 2020)

2. T.Sunderaraman

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in Cr.No.947 of 2020 pending on the file of the respondent Police and quash the same.

For Petitioner : Ms.S.Nandhini for
Mr.T.V.G.Kartheeban

For 1st Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

This Criminal Original Petition is filed to quash the proceedings in Crime No.947 of 2020 pending on the file of the respondent Police and quash the same.

2. The petitioner is the sole accused in respect of an occurrence alleged to have been taken place on 15.10.2020. On the complaint given by the 2nd respondent, a case has been registered against the petitioner in Crime No.947 of 2020 for the offences under Section 379 of I.P.C.,

3. The learned counsel for the petitioner would submit that two complaints have been given for the same occurrence; one by the 2nd respondent and another by the District Collector, Villupuram District. The attention of this Court was drawn to the complaint given by the District Collector / Executive Magistrate before the Special Court, Villupuram in C.C.No.2 of 2021 and on perusal of the same, it is seen that it also refers to the same occurrence that had occurred on 15.10.2020 at 4 P.M..

4. When this Court clarified about the double complainant, the



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learned Additional Public Prosecutor submitted that the complaint given by the District Collector is only a petition filed under Section 21 (4A) of the Mines and Minerals (Development and Regulation) Act, 1957 for confiscating the vehicle involved in the offence punishable under the Mines and Minerals Act, 1957.

5. It is also seen from the order of this Court dated 23.02.2021 that a direction had been given to the State to initiate confiscation proceedings under Section 21(4A) of the Mines and Minerals (Development and Regulation) Act, 1957, wherever the properties have been seized in respect of the offences committed under Section 4 of the said Act.

6. In the instant case, the District Collector had filed the petition to initiate confiscation proceedings, but by giving the caption as complaint. The Court has also assigned a Calender case number instead of giving a Crl.M.P. Number and that has caused the whole confusion.

7. However, the case has been registered against the petitioner on the



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complaint given by the 2nd respondent is Crime No.947 of 2020 and it is a single case. This Court cannot lose sight on the fact that the said case has been registered only for the offence under Section 379 of I.P.C., not under Section 4 of the Mines and Minerals (Development and Regulation) Act, 1957. In such case, it is difficult to understand how the District Collector cum Executive Magistrate has initiated confiscation proceedings under Section 21(4A) of the Mines and Minerals (Development and Regulation) Act, 1957. However, the matter is left to the appreciation of the learned Principal District Judge, Special Court, Villupuram before whom the said petition has been filed. The learned Principal District Judge ought to have assigned Crl.M.P.No. instead of C.C.No. in such petition. Only if an offence is committed under Section 4 of the Act is fulfillment of sub clause 4A of Section 21, the proceedings can be initiated. The petitioner is at liberty to contest the confiscation proceeding, if the confiscation proceedings have been initiated without a case against him under Section 4 of the Mines and Minerals (Development and Regulation) Act, 1957.

6. In the result, this Criminal Original Petition stands disposed of with



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the direction to the learned Principal District Judge, Special Court, Villupuram to re-assign Crl.M.P.Number for the petition filed under Section 21(4A) of the Mines and Minerals (Development and Regulation) Act, 1957, by closing C.C.Number in order to avoid the confusion. Consequently, connected miscellaneous petition is closed.

16.11.2022

vum

Index:yes/No

Speaking order / Non speaking order

To:

1. The Inspector of Police,
Arakanda Nallore Police Station,
Villupuram District.
2. The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA,J.

vum

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