



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.R.C(MD)No.119 of 2022

WEB COPY

Ranjitham

...Petitioner/Petitioner/
Owner of Vehicle

Vs.

1.The State represented by
The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
(Crime No.262 of 2021)

...1st Respondent/1st Respondent/
Complainant

2.Sri Ram Finance Pvt., Ltd., Company,
1st Floor, No.104, Madurai Road,
Thirumangalam,
Madurai.

...2nd Respondent/2nd Respondent/
Financier of the Vehicle

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C., praying to call for the records pertaining to the order, dated 03.02.2022 made in CrI.M.P.No.38 of 2022 passed by the learned Special District Court to deal with the cases of offences in contravention of the provisions of the Mines & Minerals (D&R) Act, Madurai and in respect of the condition No.(i) and (viii) imposed is alone to set aside consequently direct the learned Special District Court to deal with the cases of offences in contravention of the provisions of the Mines & Minerals (D&R) Act, Madurai to release the vehicle Tipper Lorry bearing registration No.TN 47 AT 5386 to the petitioner.

For Petitioner : Mr.D.S.Haroon Rasheed

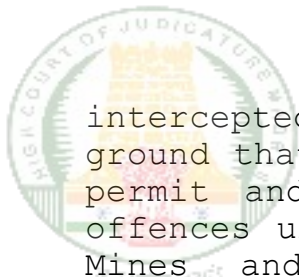
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This petition has been filed to modify the conditions 1 & 3 imposed on the petitioner in the order passed in Cr.M.P.No.38 of 2022, dated 03.02.2022.

2.The petitioner claims to be the owner of the Tipper bearing Registration No.TN-47-AT-5386. On 10.06.2021, the respondent police

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intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand without any valid permit and registered a case in Crime No.262 of 2021, for the offences under Sections 379 IPC and Section 4(1) (1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Special District Court to deal with the cases of offences in contravention of the provisions of the Mines & Minerals (D&R) Act, Madurai, by way of filing a petition in Cr.M.P.No.38 of 2022 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order, dated 03.02.2022, by imposing the 1st and 3rd conditions to the effect that the petitioner was directed to produce the original R.C.Book before the concerned Court and a Panchanama shall be prepared by the Court in Form No.82 of the Criminal Rules of Practice, 2019 as enumerated under Rule 257 of the said Rules. Challenging the above said conditions imposed by the trial Court, the petitioner is before this Court with this criminal revision.

3. The learned counsel appearing for the petitioner submitted that the vehicle bearing Registration No.TN-47-AT-5386 was purchased through the finance and the original R.C.book is in custody of the finance company and hence, the petitioner could not able to produce the original R.C.book.

4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.The only grievance of the petitioner is that the conditions 1 & 3 imposed by the learned Special Judge, are onerous.

6.Considering the above, this Criminal Revision Case is allowed. The order of the learned Special District Court to deal with the cases of offences in contravention of the provisions of the Mines & Minerals (D&R) Act, Madurai made in Cr.M.P.No.38 of 2022, dated 03.02.2022 is modified in respect of the producing original RC book alone and it is modified to the effect that the petitioner is directed to produce the certified copy of the RC Book before the concerned Court. In respect of other conditions, the order of the learned Special District Court to deal with the cases of offences in contravention of the provisions of the Mines & Minerals (D&R) Act, Madurai, shall remain unaltered.

Sd/-

Assistant Registrar(Writs)

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/ /2022

Sub Assistant Registrar(CS)



To

1. The Special District Judge,
The Special District Court to deal with the cases of offences in
contravention of the provisions of the Mines & Minerals (D&R) Act,
Madurai.

2.The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.

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

CrI.R.C (MD) No.119 of 2022
10.02.2022

TP (CO)
TR(25.02.2022) 3P 4C