



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD)No.342 of 2022

WEB COPY

R.Muruganantham

... Petitioner/Petitioner/
3rd Accused

Vs

The Inspector of Police,
Budalur Police Station,
Thanjavur District.
(Crime No.41/2020)

... Respondent/Respondent/
Complainant

Prayer: Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C. to call for the records of the impugned order dated 08.12.2021 in Crl M.P No. 4317 of 2021, passed by the learned Special Judge, Special Court under the Mines and Mineral (Development and Regulation) Act 1957, Thanjavur, (In the Court of Principal Sessions Judge, Thanjavur) and set aside the same and return the Vehicle to the petitioner by allowing this revision.

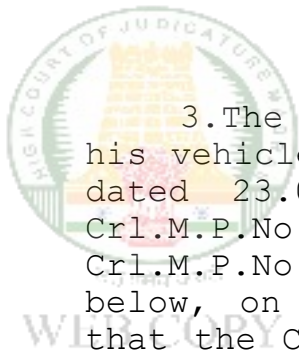
For Petitioner : Mr.S.Ramsundarvijayraj

For Respondent : Mrs.M.Aasha
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Case filed to set aside the impugned order dated 08.12.2021 in Crl M.P No. 4317 of 2021, passed by the learned Special Judge, Special Court under the Mines and Mineral (Development and Regulation) Act 1957, Thanjavur, thereby, dismissing the petition filed for return of property.

2.The petitioner is arrayed as third accused. He along with his vehicle involved in the offence registered under Sections 307, 379 IPC and Section 21(4) of Mines and Mineral (Development and Regulation) Act 1957. The petitioner along with other accused, were found in illegal possession of river sand to the tune of one unit, in his vehicle ie., Mahindra Max Tractor, bearing Registration No. TN-49-BP-6526. Pursuant to the registration of FIR, the petitioner was arrested and his vehicle was also seized by the respondent herein. Subsequently, he was released on bail.



3.The petitioner has filed a petition for interim custody of his vehicle in Crl.M.P.No.3187 of 2020. It was dismissed by order, dated 23.09.2020. However, without stating the dismissal of Crl.M.P.No.3187 of 2020, he filed another petition in Crl.M.P.No.4317 of 2021 and it was also dismissed by the Court below, on the ground that the petitioner had suppressed the fact that the Court below dismissed the earlier petition, for return of his vehicle in Crl.M.P.No.3187 of 2020.

4.The learned Government Advocate (Crl.Side) submitted that the in this case, investigation has been completed, final report also filed and pending for taking cognizance before the jurisdictional Court.

5.Considering the above, this Court is inclined to set aside the order passed by the Court below. Accordingly, this Criminal Revision Case is allowed and the impugned order, dated 08.12.2021 in Crl M.P No. 4317 of 2021, passed by the learned Special Judge, Special Court under the Mines and Mineral (Development and Regulation) Act 1957, Thanjavur, is hereby set aside and the vehicle ie., Mahindra Max Tractor, bearing Registration No. TN-49-BP-6526, is returned to the petitioner on interim custody, on the following conditions:-

- that the petitioner is directed to execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildar) each for a likesum to the satisfaction of the learned Special Judge, Special Court under the Mines and Mineral (Development and Regulation) Act 1957, Thanjavur;
- that the petitioner shall produce the original RC book and photograph of the vehicle before the learned Special Judge, Special Court under the Mines and Mineral (Development and Regulation) Act 1957, Thanjavur;
- that the petitioner shall produce the vehicle before the concerned Court as and when required;
- that the petitioner shall not alter the nature of the vehicle, without any permission of the concerned Court;
- that the petitioner shall not alienate the vehicle in any manner;
- that the petitioner shall give an undertaking that he would not use the vehicle for any other illegal activities in future;
- that the petitioner shall produce the vehicle before the learned Special Judge, Special Court under the Mines and



Mineral (Development and Regulation) Act 1957, Thanjavur, on the first working day of every month;

- *If any of the conditions are violated, this order automatically stands cancelled.*

WEB COPY

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 Special Judge,
Special Court under the Mines and Mineral
(Development and Regulation) Act 1957, Thanjavur
2. The Inspector of Police,
Budalur Police Station,
Thanjavur District.
(Crime No.41/2020)
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-16417[F] dated 04/04/2022)

Cr1.R.C. (MD)No.342 of 2022

04.04.2022

RK(13/05/2022) 3P 7C