



Crl.R.C.(MD).No.478 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.11.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.478 of 2022

Dharmaraj

... Petitioner/Petitioner

Vs.

The State rep. by
The Inspector of Police,
Perungudi Police Station,
Madurai District.
(Crime No.157 of 2021)

.. Respondent/Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the order, dated 31/08/2021 made in Crl.M.P.No.1562 of 2021, on the file of the Special Court to deal with the offence in Contravention of the Provisions of the Mines and Minerals (D and R) Act Madurai and set aside the same.

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor



Crl.R.C.(MD).No.478 of 2022

ORDER

WEB COPY

This revision Petition has been filed seeking to set aside the order, dated 31/08/2021 made in Crl.M.P.No.1562 of 2021, on the file of the Special Court to deal with the offence in Contravention of the Provisions of the Mines and Minerals (D and R) Act, Madurai.

2.The petition filed by the petitioner under Section 451 Cr.P.C. before the trial Court was dismissed on the ground that the petitioner is a habitual offender and using the vehicle he has repeatedly committed the offence.

3.The learned counsel for the petitioner submitted that the petitioner is ready to abide any condition and he has also filed an undertaking affidavit before this Court to the effect that he will not indulge in such activities in future.

4.The learned Government Advocate (Crl. Side) would submit that there is no dispute with regard to the ownership of the property.



Crl.R.C.(MD).No.478 of 2022

5.In view of the submissions made on either side, this Court is inclined to entertain this petition.

6.Accordingly, this Criminal Revision Case is allowed and the order, dated 31.08.2021 made in Crl.M.P.No.1562 of 2021 on the file of the learned Sessions Judge, Special Court to deal with the offence in Contravention of the Provisions of the Mines and Minerals (D and R) Act, Madurai, is hereby set aside. The vehicle is ordered to be returned to the petitioner by following proper procedure. The petitioner shall produce the original R.C.Book and undertaking affidavit to the effect that he will not alter or change the vehicle. The petitioner shall execute a bond to the satisfaction of the concerned Court to be fixed of its own discretion.

25.11.2022

Index : Yes / No
Internet : Yes / No
TM

To

1.The Sessions Judge, Special Court to deal with the offence in Contravention of the Provisions of the Mines and Minerals (D and R) Act, Madurai.

3/5



Crl.R.C.(MD).No.478 of 2022

2. Inspector of Police,
Perungudi Police Station,
Madurai District.

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



WEB COPY



Crl.R.C.(MD).No.478 of 2022

G.ILANGO VAN,J.

TM

Crl.R.C.(MD).No.478 of 2022

25.11.2022