



Crl.R.C.(MD) No.527 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.06.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

Crl.R.C.(MD)No.527 of 2022

Rajalakshmi

... Petitioner/Petitioner/Owner of the
vehicle

Vs.

1.The State represented through
The Inspector of Police,
Parthibanur Police Station,
Ramanathapuram District.
(Crime No.43 of 2022)

2.The Sub – Collector,
Paramakudi.

3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.

4.The Tahsildar,
Taluk Office,
Paramakudi.

... Respondents/Respondents/Complainants



Crl.R.C.(MD) No.527 of 2022

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the impugned order dated 28.04.2022 made in Crl.M.P.No.878 of 2022 on the file of the learned Principal Sessions Judge, Ramanathapuram and consequently, to direct the respondents to return the petitioner's vehicle, namely, JCB bearing Registration No.TN-67-BX-5103 to the petitioner forthwith.

For Petitioner : Mr.M.S.Jeyakarthik,

For Respondents : Mr.S.Manikandan,
Government Advocate (Crl. side).

ORDER

This Criminal Revision Petition is directed against the order passed in Crl.M.P.No.878 of 2022 dated 28.04.2022 by the learned Principal Sessions Judge, Ramanathapuram, dismissing the petition filed under Sections 451 and 457 Cr.P.C.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-67-BX-5103. On 12.03.2022, the first respondent police intercepted the vehicle viz., JCB bearing Registration No.TN-67-BX-5103 and seized the vehicle as the same was used for transporting of illegal sand without any valid license or



Crl.R.C.(MD) No.527 of 2022

permit and registered a case in Crime No.43 of 2022 for the alleged offences under Sections 379 IPC r/w 21(4) of Mines and Minerals (Development and Regulation) Act.

3.The petitioner has filed a petition under Sections 451 and 457 Cr.P.C., seeking return of the vehicle, but the learned Principal Sessions Judge, by observing that the said vehicle was already involved in a previous case for similar offence in Crime No.36 of 2019 on the file of the first respondent police, has dismissed the application. Challenging the dismissal order, the above Criminal Revision came to be filed before this Court.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5.The learned Government Advocate (Criminal Side) would submit that the vehicle in question was involved in one previous case for similar offence.

6.The learned counsel for the petitioner would submit that the vehicle bearing Registration No.TN-67-BX-5103 is owned by the petitioner, that the said



Crl.R.C.(MD) No.527 of 2022

vehicle has no connection whatever with the alleged occurrence, that the vehicle is with the police from 12.03.2022 and that if the vehicle is kept in open place, the value of the said vehicle will get deteriorated and that therefore interim custody may be granted to the petitioner.

7.Considering the above facts and circumstances of the case and also the fact that if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 28.04.2022 passed in Crl.M.P.No.878 of 2022, by the learned Principal Sessions Judge, Ramanathapuram.

8.Accordingly, this Criminal Revision Petition is allowed and the order dated 28.04.2022 in Crl.M.P.No.878 of 2022 in Crime No.43 of 2022 on the file of the learned Principal Sessions Judge, Ramanathapuram, is hereby set aside and the learned Principal Sessions Judge is directed to release the vehicle of the petitioner forthwith on the following conditions:-

- (a) the petitioner is directed to pay a sum of Rs.75,000/-(Rupees Seventy Five Thousand only) for the vehicle to the account of “Environmental



Crl.R.C.(MD) No.527 of 2022

WEB COPY

- Fund” to be maintained by the District Legal Services Authority, Ramanathapuram District to preserve the environment;
- (b) the petitioner shall execute a bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only), with two sureties for a likesum to the satisfaction of the learned Principal Sessions Judge, Ramanathapuram;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Principal Sessions Judge, Ramanathapuram;
- (d) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (e) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

29.06.2022

Index : Yes/No
Internet : Yes/No
csm



Crl.R.C.(MD) No.527 of 2022

WEB COPY

To:-

- 1.The Principal Sessions Judge,
Ramanathapuram.
2. The Inspector of Police,
Parthibanur Police Station,
Ramanathapuram District.
3. The Sub – Collector,
Paramakudi.
4. The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
5. The Tahsildar,
Taluk Office,
Paramakudi.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.R.C.(MD) No.527 of 2022

K.MURALI SHANKAR, J.

csn

**ORDER MADE IN
Crl.R.C.(MD)No.527 of 2022**

29.06.2022