



Crl.R.C.(MD) No.593 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.593 of 2022

Paraman

... Petitioner/Owner of vehicle

Vs.

The State represented by
The Sub Collector,
Sub Collector Office,
Sivakasi District.

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order in Cr.M.P.No.306 of 2022 dated 25.03.2022 on the file of the learned Principal Sessions Judge, Virudhunagar District, Srivilliputtur and thereby order interim custody of the vehicle in favour of the petitioner.

For Petitioner : Mr.P.Ganapathi Subramanian,

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



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ORDER

This Criminal Revision Petition is directed against the order passed in Cr.M.P.No.306 of 2022 dated 25.03.2022 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, dismissing the petition filed under Section 451 of Cr.P.C., for returning of the vehicle.

2. The petitioner claims to be the owner of the Lorry bearing Registration No.TN-47-AX-8143. On 26.01.2021, the respondent seized the vehicle viz., Lorry bearing Registration No.TN-47-AX-8143 as the same was used for transporting of illegal sand without any valid license or permit and produced before the learned Principal District and Sessions Court, Virudhunagar District at Srivilliputtur in C.P.No.102 of 2021.

3. The petitioner has filed a petition under Section 451 Cr.P.C., seeking return of the vehicle and the learned Principal District and Sessions Judge has dismissed the application. Challenging the dismissal order, the above Criminal Revision came to be filed before this Court.



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

5. As rightly contended by the learned counsel for the petitioner, the learned Principal District and Sessions Judge in the impugned order has observed that the vehicle in question was produced before that Court and the same was received and remanded in C.P.No.102 of 2021, that the vehicle was kept in custody and that the mines and minerals case was filed by the Sub Collector, Sivakasi.

6. It is pertinent to note that the learned Principal District and Sessions Judge, by observing that no FIR came to be registered and no accused was arrested and no anticipatory bail was ordered, dismissed the petition.

7. This Court, on considering the submission made by the learned counsel for the petitioner and also the submission of the learned Government Advocate (Criminal Side) that authority has already laid a private complaint before the Principal Sessions Court and the same was yet to be taken on file, directed the Registry to call for a report from the Principal District and Sessions Judge,



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Virudhunagar District, Srivilliputtur as to whether the complaint was taken on file or not and on what basis, the vehicle was remanded.

8. In pursuance of the same, the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, has submitted a report dated 12.07.2022 stating that no private complaint was filed by the Revenue Authority before the Court so far and that the vehicle was received on request dated 24.08.2021. The learned Principal District and Sessions Judge has further stated they have received the proceedings issued by the Tahsildar dated 30.10.2021 stating that the accused has requested for compounding the offence under Rule 36A Tamilnadu Mines Minerals Rules and the accused was directed to pay penalty.

9. The learned counsel for the petitioner would submit that the petitioner has already paid a sum of Rs.26,640/- towards fine levied for Violation of Act and Rules in the office of the Assistant Director of Geology and Mining Virudhunagar on 02.11.2021.

10. As rightly contended by the learned counsel for the petitioner, this Court is also at loss to understand as to why the learned Principal District and



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11. Considering the above facts and circumstances and also the facts that the property has already been remanded in C.P.No.102 of 2021 on the file of the Principal District and Sessions Court, Virudhunagar District at Srivilliputtur, that the petitioner is not having any previous cases for similar offence and that the vehicle in dispute was not involved in any other cases, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 25.03.2022 passed in Cr.M.P.No.306 of 2022, by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur.

12. Accordingly, this Criminal Revision Petition is allowed and the order dated 25.03.2022 in Cr.M.P.No.306 of 2022 in C.P.No.102 of 2021 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, is hereby set aside and the learned Principal District and Sessions Judge is directed to release the vehicle of the petitioner forthwith on the following conditions:-



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- (a) the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non-refundable for the vehicle to the credit of the District Mineral Foundation Trust, Virudhunagar District, to preserve the environment;
- (b) the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only), with two sureties for a likesum to the satisfaction of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur;
- (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;

21.07.2022

Index : Yes/No
Internet : Yes/No
csm



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To:-

- 1.The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur.
2. The Sub Collector,
Sub Collector Office,
Sivakasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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**ORDER MADE IN
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