



Crl.R.C.(MD) No.891 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

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Nandhagobal

... Petitioner/owner of the vehicle

Vs.

1.The District Collector,
Dindigul District.

2.The Assistant Director,
Department of Geology and Mining,
Dindigul District.

3.The Revenue Divisional Officer,
Dindigul District.

4.The Tahsildar,
Dindigul West Taluk,
Dindigul.

5.State rep by
The Sub Inspector of Police,
Dhandikombu Police Station,
Dindigul District.
(Cri.No.835 of 2020)

... Respondents/Respondents



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Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, call for the records and set aside the order passed in Cr.M.P.No.2115 of 2020 by the learned Principal Sessions Judge, Dindigul dated 04.10.2021 and return the vehicle bearing Registration No.TN-81-B-6350 to the petitioner.

For Petitioner : S.Vishnuvardhan

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

ORDER

This Criminal Revision Petition is filed seeking quashment of order passed by the learned Principal Sessions Judge, Dindigul, in Cr.M.P.No.2115 of 2020, dated 04.10.2021 and return the vehicle bearing Registration No.TN-81-B-6350 to the petitioner.

2. The revision preferred against the judgment order that has been passed by the learned Principal Sessions Judge, Dindigul, seeking return of vehicle involved in Crime No.835 of 2020, which was registered for the offence under Section 379 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act. Finding the petitioner is involved in previous case in similar



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WEB COPY nature, that petition was dismissed. Originally this petitioner filed WP.(MD)No. 1875 of 2019 before this Court in respect of Crime No.32 of 2018 seeking release of vehicle. That was ordered by this Court, dated 30.01.2019. Thereafter, the above said vehicle was released with certain condition. Subsequent to that, another crime which is subject matter of this revision petition in Crime No.835 of 2020 the vehicle was involved. Hence, the petitioner filed WP(MD)No.8503 of 2020 before this Court seeking release of vehicle and this Court by the order, dated 03.08.2020, directed the respondent herein to produce the vehicle before the concerned Court and liberty was granted to the petitioner to file a proper application before that Court. Subsequent to that, he filed CrI.MP(MD)No.1113 of 2020. That was allowed with the condition to produce the original RC book. Since the original RC book was in custody of the Court in another case, the petitioner filed a modification Petition. Since earlier petition in WP(MD)No. 1875 of 2019 was suppressed by the petitioner, the above said order was recalled. Again, that petition came to be dismissed. Over which, this revision has been filed.



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3.If the vehicle is allowed to kept over in the custody of the police or in the concerned Court, there is every likelihood of damage to the vehicle. So on that ground only the petitioner was already directed to file an undertaking affidavit to the effect that he will not use the vehicle for any illegal activities in future. As directed, the petitioner has also filed the undertaking affidavit. Based on the undertaking affidavit, this Court is inclined to allow this Revision Case.

4.Accordingly, this Criminal Revision Petition is **allowed** and the order dated 04.10.2021 in Cr.M.P.No.2115 of 2020 in Crime No.835 of 2020 on the file of the Principal Sessions Judge, Dindigul, is hereby set aside and the Judicial Magistrate is directed to release the vehicle of the petitioner on the following conditions:-

- (a) The trial Court shall return the vehicle to the petitioner after verifying the certified copy of the Registration Certificate of the vehicle.
- (b) the petitioner shall execute a bond for a sum of **Rs.1,00,000/- (Rupees One Lakhs only)**, with two sureties for a like sum to the satisfaction of the Principal Sessions Judge, Dindigul.
- (c) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;.



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5.The learned counsel for the petitioner would submit that the petitioner already paid a sum of Rs.1 lakh before the Assistant Director of Geology and Mining, Collectorate, Dindigul, as per the order, passed in Crl.MPNo.1113 of 2020 and that amount as refundable deposit, to this case also.

22.09.2022

Index : Yes/No
Internet : Yes/No
dss

To:-

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6.State rep by

The Sub Inspector of Police,
Dhandikombu Police Station,
Dindigul District.

7.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

ORDER MADE IN
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