



Crl.R.C.(MD) No.819 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

CORAM:

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

Crl.R.C.(MD)No.819 of 2022

Ragupathi

... Petitioner/Petitioner/A2

Vs.

The State Rep. by
The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
Crime No.754 of 2021

... Respondent/Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the entire records pertaining to the order passed by the Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur in Crl.M.P.No.2074 of 2022, vide order, dated 15.06.2022 and modify and set aside the conditions imposed in condition Nos.1, 2 and 4.

For Petitioner : Mr.R.L.Dhilipan Pandian

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



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ORDER

This Criminal Revision Petition is directed against the order passed by the Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur, in Crl.M.P.No.2074 of 2022, vide order, dated 15.06.2022.

2.The petitioner claims to be the owner of the Ashok Leyland Tipper Lorry bearing Registration No.TN-30-AB-8633. The respondent police intercepted the Tipper Lorry bearing Registration No.TN-30-AB-8633 and seized the vehicle as the same was used for transporting of illegal sand without any valid license or permit and registered a case in Crime No.754 of 2021 for the offence under Sections 379 IPC r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957.

3.It is not in dispute that the petitioner has approached the Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur, for returning of Tipper Lorry in Crl.M.P.No.2074 of 2022 and the learned Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur, vide order dated 15.06.2022, has allowed the petition with certain conditions that (1) the petitioner shall



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deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) which is non-refundable, to the credit of the Education Department, by means of Demand Draft to be drawn in favour of “The Chief Educational Officer, Thanjavur (Development Fund)-Account No.05350100020509” of Bank of Baroda, Thanjavur, IFSC: BARB0TANJOR payable at Thanjavur and produce the original demand draft before the said office and obtain its proper acknowledgment receipt in his name with Crl.M.P.No., from the said office and produce the receipt, xerox copy of demand draft along with memo before the Jurisdictional Magistrate; (2) the petitioner shall execute a personal bond for a sum of Rs.2,00,000/- with two sureties each for a likesum to the satisfaction of the Jurisdictional Magistrate; (3) the petitioner shall surrender the original R.C. book of his vehicle before the Jurisdictional Magistrate's Court and however, the petitioner is permitted to obtain the original R.C. book on petition from the said Magistrate's Court for name transfer and renewal of the vehicle as and when required and after renewal, he shall hand over the same again to the said Magistrate's Court. Challenging the same, 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. The learned counsel for the petitioner would submit that since he has been taking the vehicle to other States, the original R.C. book is very much necessary and that he is not in a position to comply with the conditions imposed. He would further submit that the petitioner's vehicle was never involved in any illegal activity and the respondent police without verifying the same has foisted the above false case. He would further submit that the petitioner's family is depending upon the income deprived from the above said vehicle on rental basis.

6. The main grievance of the petitioner is that the condition imposed by the learned Special Court under the Mines and Minerals (D&R) Act, 1957 in condition Nos.1, 2 and 4, are onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

7. Considering the above facts and circumstances of the case and also the fact that the conditions imposed by the learned Special Court under the Mines and



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Minerals (D&R) Act, 1957, Thanjavur, is not onerous, this Court is not inclined to modify the condition Nos.2 and 4. But at the same time, considering the submission made by the learned counsel for the petitioner, this Court is inclined to modify the condition No.1 and with regard to 4th condition, the petitioner can very well take an endorsement from the concerned Court that the original R.C. book has been surrendered before that Court and the same is available with the concerned Court.

8.In the result, this Criminal Revision Petition is partly allowed. The order of the Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur, made in Cr.M.P.No.2074 of 2022, dated 15.06.2022, is modified in respect of the condition No.1 alone and it is modified to the effect that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) which is non-refundable, to the credit of the Education Department, by means of Demand Draft to be drawn in favour of “The Chief Educational Officer, Thanjavur (Development Fund)-Account No.05350100020509” of Bank of Baroda, Thanjavur, IFSC: BARB0TANJOR payable at Thanjavur and produce the original demand draft before the said office and obtain its proper acknowledgment receipt



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in his name with Crl.M.P.No., from the said office and produce the receipt, xerox copy of demand draft along with memo before the Jurisdictional Magistrate and further, the petitioner is directed to approach the concerned Court and take an endorsement that the original R.C. book has been surrendered before that Court and the same is available with the concerned Court. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Karur, shall remain unaltered.

29.08.2022

Index : Yes/No

Internet : Yes/No

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To:-

- 1.The Special Court under the Mines and Minerals (D&R) Act, 1957,
Thanjavur.
- 2.The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J.

sjj

ORDER MADE IN
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