



Crl.R.C.(MD) No.831 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

CORAM:

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

Crl.R.C.(MD)No.831 of 2022

Baskar

... Revision Petitioner/Petitioner/
Owner of the vehicle

Vs.

The State Rep. by
The Inspector of Police,
Pandanallur Police Station,
Thanjavur District,
In Crime No.287 of 2019

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records relating to the case in Cr.M.P.No.2968 of 2022 on the file of the Special Court under the Mines and Minerals [D & R] Act, 1957, [Principal Sessions Judge], Thanjavur, dated 11.07.2022 in Crime No.287 of 2019 on the file of the respondent police and set aside the condition [i].

For Petitioner : M/s.S.Prabha

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



WEB COPY

Crl.R.C.(MD) No.831 of 2022

ORDER

This Criminal Revision Petition is directed against the order passed by the learned Special Court under the Mines and Minerals [D & R] Act, 1957, [Principal Sessions Judge], Thanjavur, in Cr.M.P.No.2968 of 2022, dated 11.07.2022.

2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-68-C-0010. The respondent police intercepted the Tipper Lorry bearing Registration No.TN-68-C-0010 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.287 of 2019 for the offence under Sections 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

3.It is not in dispute that the petitioner has approached the learned Principal Sessions Judge, Thanjavur for returning of Tractor in Cr.M.P.No.2968 of 2022 and the learned Principal Sessions Judge, vide order dated 11.07.2022, has allowed the petition with certain conditions that the petitioner shall pay a sum of Rs.40,000/- (Rupees Forty Thousand only) which is non-refundable, to the credit



Crl.R.C.(MD) No.831 of 2022

of the Education Department, by means of Demand Draft to be drawn in any one of the Nationalized Banks 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. Challenging the same, 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 counsel for the petitioner would 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.



Crl.R.C.(MD) No.831 of 2022

WEB COPY

6.The main grievance of the petitioner is that the condition imposed by the learned Principal District and Sessions Judge in directing the petitioner to deposit a sum of Rs.40,000/- as non-refundable deposit, is 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 taking note of the facts that the petitioner is not having any previous case and that the vehicle is not involved in any other previous case, this Court is inclined to modify the condition.

8.In the result, this Criminal Revision Petition is partly allowed. The order of the learned Special Court under the Mines and Minerals [D & R] Act, 1957, [Principal Sessions Judge], Thanjavur made in Cr.M.P.No.2968 of 2022, dated 11.07.2022, is modified in respect of the condition No.i alone and it is modified to the effect that the petitioner shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) which is non-refundable, to the credit of the Education Department, by means of Demand Draft to be drawn in any one of the



Crl.R.C.(MD) No.831 of 2022

Nationalized Banks 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. In respect of other conditions, the order of the learned Special Court under the Mines and Minerals [D & R] Act, 1957, [Principal Sessions Judge], Thanjavur, shall remain unaltered.

01.09.2022

Index : Yes/No

Internet : Yes/No

sjj

To:-

- 1.The Special Court under the Mines and Minerals [D & R] Act, 1957,
Principal Sessions Judge, Thanjavur.
- 2.The Inspector of Police,
Pandanallur Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.R.C.(MD) No.831 of 2022

K.MURALI SHANKAR, J.

sjj

ORDER MADE IN
Crl.R.C.(MD)No.831 of 2022

01.09.2022