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Crl.R.C.No.1588 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.1588 of 2022

S.Babu.

... Petitioner

/vs/

State Rep.by,
The Inspector of Police,
T-6, Avadi Police Station,
Avadi.

... Respondent

Prayer: Criminal Revision Petition is filed under Section 397 r/w 401 of Cr.P.C., to set aside the condition in so far as the direction No.4 of the order dated 08.12.2022 made in Crl.M.P.No.5089 of 2022 in Crime No.660 of 2022 on the file of the Learned Principal District and Sessions Judge, Tiruvallur.

For Petitioner

... Mr.S.Elangovan

For Respondent

... Mr.V.Meganathan,
Government Advocate (Crl.Side)

ORDER



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Challenging the 4th direction of the order dated 08.12.2022 passed

by the Learned Principal District and Sessions Judge, Tiruvallur, in
Crl.M.P.No.5089 of 2022 in Crime No.660 of 2022, the present criminal
revision petition has been filed.

2. The Learned Counsel for the petitioner contended that the petitioner is the owner of the lorry bearing Reg.No.TN-18-L-9387. The petitioner's lorry was permitted by the Avadi Commissioner to do excavation work for the period from 04.06.2022 to 02.10.2022. On 02.09.2022, at about 2.15 p.m., when the driver of the lorry was digging the sand, the Traffic police came there and after questioning, they registered a case against the driver of the vehicle for the offences punishable under Sections 379, 430 of I.P.C r/w 21(1) of Mines and Minerals (Development and Regulation) Act as he has illegally taken the sand. Thereafter, the petitioner filed an application seeking interim custody of the vehicle before the trial Court, which was allowed on 08.12.2022 by directing the petitioner to deposit a sum of Rs.50,000/-, before the jurisdictional Tahsildar concern to the credit of District Mines and Minerals Foundation Trust as Non-refundable deposit. Challenging the said condition, the present Criminal Revision Petition has been filed. The Learned Counsel for the petitioner further contended that the petitioner being a



contractor, he has not committed any offence, and hence, depositing Non-refundable amount of Rs.50,000/- is unsustainable and hence, the said condition has to be set aside.

3. Heard the Learned Counsel for the Petitioner and the Learned Government Advocate (Crl.Side) for the respondent. Perused the materials on record.

4. On perusal of the records, the fact reveals that the respondent police has registered a case against the petitioner in crime No.660 of 2022 for the offences under Sections 379, 430 of I.P.C r/w 21(1) of Mines and Minerals (Development and Regulation) Act. Further, the fact reveals that, the petitioner is the owner of the lorry bearing Reg.No.TN-18-L-9387. The petitioner filed an application before the trial Court in Crl.M.P.No.5089 of 2022 seeking interim custody of the vehicle. That application was allowed on 08.12.2022 with certain directions, in which, the 4th direction is that the petitioner is directed to deposit a sum of Rs.50,000/- to the credit of District Mines and Minerals Foundation Trust, as non-refundable. Since, the petitioner is the owner of the vehicle and the petitioner was not found guilty as on date, the 4th direction issued by the trial Court is unwarranted and unsustainable.



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5. Considering the above facts and circumstances, the Criminal Revision Petition is allowed and the direction No.4 in the order made in Crl.M.P.No.5089 of 2022, dated 08.12.2022, by the Principal District and Sessions Judge, Tiruvallur, alone is hereby set aside. The remaining conditions imposed by the Principal District and Sessions Judge, Tiruvallur, stands unaltered.

09.01.2023

Index : Yes/No.
Internet : Yes/No.
bsm

Note: Issue order copy on 11.01.2023

To,

1. The Principal District and Sessions Judge, Tiruvallur.
2. The Inspector of Police, T-6, Avadi Police Station, Avadi.
3. The Public Prosecutor, High Court, Madras

V.SIVAGNANAM, J.

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