



Crl.R.C.(MD) No.295 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.03.2023**

CORAM:

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

Crl.R.C.(MD)No.295 of 2023

Sri Velavan Blue Metals
represented by Managing Partner
M.Thadchinamoorthy

... Petitioner/Petitioner

Vs.

- 1.The District Collector,
Dindigul.
- 2.The Revenue Divisional Officer,
Palani.
- 3.The Assistant Director,
Department of Geology and Mining,
Dindigul.
- 4.The Tahsildar,
Vedasndur,
Dindigul.
- 5.The State through
The Inspector of Police,
Guziliamparai Police Station,
Dindigul District.
(Crime No.134 of 2022)



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6.The Manager,
Sundaram Finance,
1st Floor, DCM Tower,
Plot No.S-1,
New Housing Unit, Near New Bus Stand,
Dharapuram,
Tiruppur District.

...Respondents/Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the order passed by the learned Principal Sessions Judge, Dindigul District in Crl.M.P.No.3165 of 2022 dated 13.02.2023 and set aside the same and further direct the learned Principal Sessions Judge, Dindigul District to grant interim custody of the vehicle to the petitioner.

For Petitioner : M/s.P.Krishnaveni,
For R1 to R5 : Mr.A.Albert James,
Government Advocate (Crl. side)

ORDER

This Criminal Revision is directed against the order passed in Crl.M.P.No. 3165 of 2022 dated 13.02.2023 on the file of the Principal Sessions Court, Dindigul, dismissing the petition filed under Section 451 Cr.P.C.

2. It is not in dispute that the fifth respondent has registered a case in Crime No.134 of 2022 for the offence under Section 379 IPC and seized six vehicles



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WEB COPY viz., 4 lorries bearing Registration Nos.TN-55-AH-9262, TN-47-AT-4870, TN-47-AT-4524 and TN-47-AT-4507, 1 JCB bearing Registration No.TN-19-X-5757 and 1 for registration JCB for illegal transportation of gravel sand without any valid license or permit and both the JCBs were received and remanded by the jurisdictional Court in R.P.R.No.87 of 2022.

3. The learned counsel appearing for the petitioner would submit that for registration JCB's actual Registration number is TN-47-BX-0028, but in the FIR, they wrongly stated that they seized 'for registration JCB'. He would further submit that the petitioner claiming to be owner of the above said JCB bearing Registration No. TN-47-BX-0028 has filed an application before the Principal Sessions Court, Dindigul in Crl.M.P.No.3165 of 2022 and after considering the reply given by the prosecution, the learned Principal Sessions Judge by observing that since the vehicle number and type of vehicle differs from the FIR, dismissed the petition.

4. The learned counsel appearing for the petitioner has produced the copy of the Registration Certificate of the vehicle in dispute before this Court.



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5. The learned Government Advocate (Criminal Side) appearing for the respondents 1 to 5 would also submit that at the time of seizing the vehicle, no number plate was fixed in the vehicle in dispute and hence, the same was noted as for registration.

6. The learned counsel appearing for the petitioner would further submit that the original R.C. book is with the sixth respondent and that he is not in a position to produce the original R.C. book. He would further submit that the petitioner is ready to produce the certified copy of the R.C. book and also file an affidavit that he will produce the original R.C. book after clearing the dues of the finance company.

7. The learned counsel appearing 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 and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.



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8. Considering the above, this Criminal Revision Petition is allowed and the impugned order dismissing the petition for returning of the vehicle dated 13.02.2023 in Crl.M.P.No.3165 of 2022 on the file of the Principal Sessions Court, Dindigul, is hereby set aside and the learned Principal Sessions Judge, Dindigul, is directed to release the vehicle bearing Registration No. TN-47-BX-0028 of the petitioner forthwith on the following conditions:-

- (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, Dindigul District;
- (b) the petitioner shall execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only), with two sureties for a likesum to the satisfaction of the learned Principal Sessions Judge, Dindigul;
- (c) the petitioner shall produce the certified copy of the R.C. book and also file an affidavit of undertaking to surrender the original R.C. book after settling the loan due to the Finance Company before the learned Principal Sessions Judge, Dindigul;



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(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;

24.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
csm

To:-

- 1.The Principal Sessions Judge,
Dindigul.
- 2.The District Collector,
Dindigul.
- 3.The Revenue Divisional Officer,
Palani.
- 4.The Assistant Director,
Department of Geology and Mining,
Dindigul.



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5.The Tahsildar,
Vedasndur,
Dindigul.

6.The Inspector of Police,
Guziliamparai Police Station,
Dindigul District.

7.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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