



Crl.R.C.(MD) No.347 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.347 of 2023

Sivakumar

... Petitioner/
Petitioner

Vs.

The State represented by its
The Inspector of Police,
Natham Police Station,
Dindigul District.
(Crime No.81 of 2023)

...Respondent/
Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order dated 07.03.2023 in Crl.M.P.No.199 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Natham and set aside the same.

For Petitioner : Mr.VR.Shanmuganathan,
For Respondent : Mr.A.Albert James,
Government Advocate (Crl. side)



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ORDER

This Criminal Revision is directed against the order passed by the learned District Munsif cum Judicial Magistrate, Natham, in Crl.M.P.No.199 of 2023 dated 07.03.2023.

2. The respondent police has registered a case in Crime No.81 of 2023 on 17.02.2023 for the offences under Sections 147, 332 and 506(1) IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 against four named persons and two unnamed persons and seized one Ashok Leyland Tipper Lorry bearing Registration No.TN-58-AS-7355 and one Excavator JCB JS 220 LC as the same were used for taking of unauthorized sand.

3. The petitioner, who is an authorized person to receive those properties on behalf of the contractor and owner of the property, has approached the learned District Munsif cum Judicial Magistrate, Natham, for returning of the said vehicles in Crl.M.P.No.199 of 2023 and the learned District Munsif cum Judicial



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Magistrate, vide order dated 07.03.2023, has dismissed the petition. Challenging the above said order of dismissal, the petitioner has come forward with the present revision.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5. The learned counsel appearing for the petitioner would submit that project of four laning of Chettikulam to Natham Section under Bharatmala Pariyojana Phase – I in the State of Tamilnadu has been awarded to M/s.KCPL-I.Vetrivel-Om Sakthi Construction (JV), Perumalpatti and the petitioner is the Manager of the said construction company and that the contractor was executing the works as per the provision of Contract Agreement and under the ambit of Act and Rules, but the Assistant Director of Geology and Mines (In charge), Dindigul District came to the Toll Plaza location and seized the vehicles and the same have been handed over to Natham Police Station by lodging a false complaint. He would submit that the vehicles in dispute were never involved in any illegal activity and the respondent police without verifying the same has foisted the



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above false case and that the balance work in the Toll Plaza location as per the contract agreement is pending due to the non-availability of required vehicles.

6. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that Registration Certificates of the above said vehicles stand in the name of one Vetrivel, that the petitioner is the Manager of the said Vetrivel and that the said vehicles were not involved in any other previous cases.

7. Considering the above facts and circumstances and also the submission made by the learned counsel appearing for the petitioner and also the facts that if the vehicles are kept in open place exposing to sun and rain, the value of the vehicles will be deteriorated and no purpose will be served in keeping the vehicles in custody and that the vehicles in dispute were not involved in any other cases, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 07.03.2023 passed in Crl.M.P.No.199 of 2023, by the learned District Munsif cum Judicial Magistrate, Natham.



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8. Accordingly, this Criminal Revision Petition is allowed and the order dated 07.03.2023 in Crl.M.P.No.199 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Natham, is hereby set aside and the learned District Munsif cum Judicial Magistrate is directed to release the vehicles of the petitioner forthwith on the following conditions:-

- (a) the petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** as non-refundable for the vehicles to the credit of the District Mineral Foundation Trust, Dindigul District, to preserve the environment;
- (b) the petitioner shall execute a bond for a sum of **Rs.75,000/- (Rupees Seventy Five Thousand only)**, with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Natham;
- (c) the petitioner shall deposit the original Registration Certificates of the vehicles before the learned District Munsif cum Judicial Magistrate, Natham;



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(d) the petitioner shall not alienate and shall not make any alteration in the vehicles;

(e) the petitioner shall produce the vehicles before the Court and before the respondent police as and when required;

28.03.2023

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

To:-

- 1.The District Munsif cum Judicial Magistrate,
Natham.
- 2.The Inspector of Police,
Natham Police Station,
Dindigul District.
- 3.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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