



CrI. R.C.(MD)No.344 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.344 of 2023

Balaji

.. Petitioner

Vs.

1.The Inspector of Police,
Natham Police Station,
Dindigul District.
Crime No.381 of 2022.

2.The Assistant Director,
Department of Geology and Mining, Dindigul.

3.The District Collector,
District Collectorate Office, Dindigul.

4.The Revenue Divisional Officer,
Dindigul, Dindigul District.

5.The Thasildar,
Natham Taluk, Dindigul District.

6.M/s.Sundaram Finance Ltd,
H68C, 2nd Floor, Upstairs of Karur Vysya Bank,
Main Road, R.M.Colony,
Dindigul.

.. Respondents

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records of Cr.M.P.No.220 of 2023, dated 15.03.2023 passed by the learned Principal Sessions Judge, Dindigul and



Crl. R.C.(MD)No.344 of 2023

set aside the same as illegal and consequently, direct the learned Principal Sessions Judge, Dindigul to release the petitioner's vehicle on interim custody.

For Petitioner : Mr.A.Balaji

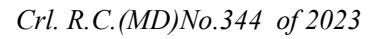
For Respondents : Mr.A.Albert James,
Government Advocate (Crl.Side)
for R1 to R5.

ORDER

The Criminal Revision Case is directed against the order passed in Cr.M.P.No.220 of 2023, dated 15.03.2023 on the file of the learned Principal Sessions Judge, Dindigul, dismissing the petition filed under Section 451 Cr.P.C.

2. The petitioner claims to be the owner of the vehicle / Escort Tractor bearing Reg.No.TN-57-BV-9901. On 11.02.2020, the respondent police intercepted the vehicle/Escort Tractor bearing Reg.No.TN-57-BV-9901 and seized the vehicle as the same was used for transporting of red soil illegally without any valid license or permit and registered a case in Crime No.381 of 2022 for the offences under Section 379 I.P.C.

3. It is not in dispute that the petitioner has approached the learned Principal Sessions Judge, Dindigul, for returning of the said vehicle in



6. The learned counsel for the petitioner would submit that the petitioner is ready to file an affidavit stating that he is the owner of the



CrI. R.C.(MD)No.344 of 2023

Trailer and in case of any counter claim, he will abide by the orders of the trial Court.

7. Considering the facts and circumstances of the case and also the stand of the prosecution that the Tractor is owned by the petitioner and the Trailer is with the petitioner for the past six months and also taking note of the fact that if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 15.03.2023 passed in Cr.M.P.No.220 of 2023, by the learned Principal Sessions Judge, Dindigul.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 15.03.2023 in Cr.M.P.No.220 of 2023 on the file of the learned Principal Sessions Judge, Dindigul, is hereby set aside and the vehicle Reg.No.TN-57-BV-9901, is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

- (a) petitioner shall 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.



Crl. R.C.(MD)No.344 of 2023

- (b) the petitioner shall execute a bond for a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only), with two sureties each for a likesum to the satisfaction of the learned Principal Sessions Judge, Dindigul ; and
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Principal Sessions Judge, Dindigul and also file an affidavit stating that he is the owner of the Trailer and in case of any counter claim, he will abide by the orders of the concerned Court ;
- (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;

30.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das



WEB COPY



Crl. R.C.(MD)No.344 of 2023

K.MURALI SHANKAR,J.

das

To

- 1.The Principal Sessions Judge, Dindigul.
- 2.The Inspector of Police,
Natham Police Station, Dindigul District.
- 3.The Assistant Director,
Department of Geology and Mining, Dindigul.
- 4.The District Collector,
District Collectorate Office, Dindigul.
- 5.The Revenue Divisional Officer,
Dindigul, Dindigul District.
- 6.The Thasildar,
Natham Taluk, Dindigul District.
- 7.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.R.C.(MD)No.344 of 2023

30.03.2023