



Crl.R.C.(MD) Nos.351, 352 & 355 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2023

CORAM:

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

Crl.R.C.(MD)Nos.351, 352 and 355 of 2023

Rajalakshmi

... Petitioner/Petitioner in
Crl.R.C.(MD)No.351 of 2023

Kalimuthu

... Petitioner/Petitioner in
Crl.R.C.(MD)No.352 of 2023

Gowthaman

... Petitioner/Petitioner in
Crl.R.C.(MD)No.355 of 2023

Vs.

State through
The Inspector of Police,
Eriyodu Police Station,
Dindigul District.
(Crime No.325 of 2022)

... Respondent/Respondent in
all the petitions

Common Prayer : This Criminal Revisions have been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the order passed by the learned Additional District Munsif cum Judicial Magistrate, Veda sandur,



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Dindigul District in Crl.M.P.Nos.1133, 1122 and 1134 of 2023 dated 27.02.2023 and set aside the same and further direct the learned Additional District Munsif cum Judicial Magistrate, Vendasandur, Dindigul District to grant interim custody of the vehicle to the petitioner.

(in Crl.R.C(MD)Nos.351 and 352 of 2023)

For Petitioner : M/s.P.Krishnaveni,

For Respondents : Mr.A.Albert James,
Government Advocate (Crl. Side)

(in Crl.R.C(MD)No.355 of 2023)

For Petitioner : M/s.P.Krishnaveni
for Mr.S.Dinesh

For Respondents : Mr.A.Albert James,
Government Advocate (Crl. Side)

COMMON ORDER

These Criminal Revisions are directed against the orders passed in Crl.M.P.Nos.1133, 1122 and 1134 of 2023 dated 27.02.2023 by the learned Additional District Munsif cum Judicial Magistrate, Vendasandur, Dindigul District, dismissing the petitions filed under Section 451 Cr.P.C.



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2. The respondent police has registered a case in Crime No.325 of 2022 and seized four vehicles viz., 2 tipper lorries bearing Registration Nos.TN-20-CZ-2256 and TN-22-AX-0990 and 2 JCBs bearing Registration Nos.TN-57-CX-3071 and TN-70-F-9550. At the time of seizing the above said JCB bearing Registration No.TN-57-CX-3071, no number plate was fixed in the vehicle and hence, the same was noted as unregistered JCB in the FIR.

3. The petitioners claiming to be the owner of the vehicles bearing Registration Nos.TN-57-CX-3071, TN-22-AX-0990 and TN-20-CZ-2256 respectively initially approached this Court in W.P.(MD)Nos.830, 823 and 827 of 2023 seeking direction to the respondent police officials and the Assistant of Director of Geology and Mines, Dindigul District to release their vehicles. The Division Bench of this Court, considering the submission made by the learned Government Advocate (Criminal Side) that the vehicles in question have been seized by the respondent police and the same have also been handed over to the learned Judicial Magistrate, Vedasandur, Dindigul District, dismissed the petitions by giving liberty to the petitioners to move before the learned Judicial Magistrate concerned for appropriate relief.



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4. The learned counsel appearing for the petitioners would submit that in pursuance of the direction of the Division Bench of this Court, the petitioners have filed the applications in Crl.M.P.Nos.1133, 1122 and 1134 of 2023 seeking interim custody of the vehicles in question. But the learned Judicial Magistrate by holding that the said Court has no power to entertain these petitions, dismissed the petitions. Aggrieved by the said dismissal orders, the petitioners have come forward with the present revisions.

5. The learned counsel appearing for the petitioners would further submit that since the Division Bench of this Court has specifically directed the Magistrate, the Magistrate is duty bound to consider the applications and pass orders.

6. The Division Bench of this Court, while dismissing the writ petitions, granted liberty to the petitioners to move before the learned Judicial Magistrate concerned for appropriate relief. The learned Judicial Magistrate, after taking the petitions on file, has passed the impugned orders dismissing the petitions on the ground that the Court has no jurisdiction to grant the relief claimed.



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7. The Division Bench of this Court in batch of cases in W.P.(MD)Nos. 19936 of 2017, etc., has issued the guidelines regarding the vehicles seized that they shall be produced before the concerned Magistrate Court by the revenue authorities at the time of filing their respective complaints and any application for release of vehicles can only be filed before the Special Court above referred. Subsequently, the Government of Tamil Nadu has issued a Government Order in G.O.(Ms).No.298 dated 13.06.2019 designating the Principal Judge, City Civil Court, Chennai and the Principal District Judges / District Judges in the State of Tamil Nadu to deal with the offences in contravention of the provisions of the Mines and Minerals (Development and Regulation) Act.

8. Considering the above, the Principal District Court designated to deal with the offences in contravention of the provisions of the Mines and Minerals (Development and Regulation) Act is having power and jurisdiction to deal with the applications for return of the vehicles seized. Hence, the impugned orders passed by the learned Magistrate dismissing the petitions cannot be found fault with and this Court concludes that the petitions are liable to be dismissed.



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9. In the result, these Criminal Revision Petitions are dismissed. However, the petitioners are at liberty to approach the Principal District Court, Dindigul and on filing the applications, the learned Principal District Judge, Dindigul is directed to entertain the same and proceed in accordance with law.

30.03.2023

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

Note : Issue order copy today (30.03.2023)

To:-

- 1.The Inspector of Police,
Eriyodu Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

csm

**ORDER MADE IN
Crl.R.C.(MD)Nos.351, 352 and 355 of 2023**

30.03.2023