



Crl.R.C.(MD).No.1216 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.1216 of 2022

Dharmar

... Petitioner

Vs.

- 1.The District Collector,
Dindigul.
- 2.The Assistant Director,
Department of Geology and Mining,
Dindigul.
- 3.The Revenue Divisional Officer,
Dindigul.
- 4.The Tahsildar,
Dindigul.
- 5.The Inspector of Police,
Dindigul Taluk, Police Station,
Dindigul.

6.Ganesan

... Respondents

(R6 is suo motu impleaded as per order of the Court dated 06.12.2022 in Crl.R.(MD).No.1216 of 2022)

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records and to set aside the order, dated 08.11.2022, passed by the learned Principal Sessions Judge,



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Crl.R.C.(MD).No.1216 of 2022

Dindigul District, in Crl.M.P.No.2509 of 2022.

For Petitioner : Mr.S.Arjun

For Respondents : Mr.R.Suresh Kumar for R1 to R5
Government Advocate (Crl. Side)

Mr.B.Vinoth Kumar for R6

ORDER

This Criminal Revision Case has been filed to set aside the order, dated 08.11.2022, passed by the learned Principal Sessions Judge, Dindigul District, in Crl.M.P.No.2509 of 2022.

2.The petitioner has filed a petition under Section 457 r/w 451 Cr.P.C. seeking interim custody of his TATA 407 bearing registration No.TN 75 A 2695, which is in police custody, which was seized by the respondent police in Crime No.375 of 2022, alleging that the vehicle is involved in illegal transportation of sand.

3.That petition was dismissed by the trial Court stating that there was no document to show that he has purchased the property from Ganesan, the petitioner filed only the copy of purchaser agreement, dated 24.06.2022 and the name was not transferred. Therefore, the above said Ganesan was impleaded as 6th respondent in this case. Now he has entered appearance and



Crl.R.C.(MD).No.1216 of 2022

stated that he has no objection to return the vehicle as interim custody to the revision petitioner. He has also filed an affidavit before this Court to the effect that he has no connection with the above said vehicle. In view of the above said development, this Court is inclined to allow this petition.

4. Accordingly, this Criminal Revision Case is allowed and the order, dated 08.11.2022 made in Crl.M.P.No.2509 of 2022 passed by the learned Principal District and Sessions Judge, Dindigul, is hereby set aside. The vehicle is ordered to be returned to the petitioner by following proper procedure. The petitioner shall produce the original R.C.Book and undertaking affidavit to the effect that he will not alter or change the vehicle. The petitioner shall execute a bond to the satisfaction of the concerned Court to be fixed by its own discretion. If any confiscation is ordered in future the vehicle must be surrendered to the respondent.

09.02.2023

Index : Yes / No
Internet : Yes / No
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To

1. The Principal Sessions Judge, Dindigul.
2. The District Collector,
Dindigul.



Crl.R.C.(MD).No.1216 of 2022

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- 3.The Assistant Director,
Department of Geology and Mining,
Dindigul.
- 4.The Revenue Divisional Officer,
Dindigul.
- 5.The Tahsildar,
Dindigul.
- 6.The Inspector of Police,
Dindigul Taluk, Police Station,
Dindigul.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.R.C.(MD).No.1216 of 2022

G.ILANGO VAN,J.

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Crl.R.C.(MD).No.1216 of 2022

09.02.2023