



CRL MP(MD). No.17692 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Twentieth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD). No.17692 of 2023

in

CrI RC(MD).No.462 of 2020

Ilancheziyan

... Petitioner/3rd party/son of the
owner of the vehicle

Vs

1 The Inspector of Police
Parthibanur Police Station,
Ramanathapuram District.
(Crime No.198/2019).

..1st Respondent/Respondent/Complainant

2 The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.

3 The Assistant Director
Tamil Nadu Mines and Minerals
Ramanathapuram District.

4 The Tahsildar
Paramakudi Ramanathapuram District.

..Respondents 2 to 4/Respondents /Respondents

5 Ramamoorthy (Died) ... Respondent No.5/petitioner

Prayer :-

This petition filed under section 482 of Cr.P.C to pass an order accept the cause title in CrI.RC(MD)No.462/2020 and permit the petitioner to file petition u/s.451 and 457 of Cr.P.C before the Trial Court for return of the property in the name of the deceased/5th respondent in Cr.No.198/2018 on the file of the first respondent.



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Prayer in Crl RC(MD).No.462 of 2020 :-

Criminal revision case filed under section 397 r/w 401 of Cr.P.C to set aside the impugned condition Nos.2 and 5 made in the order dated 09.03.2020 in Cr.M.P.No.294 of 2020 on the file of the learned Principal Sessions Judge, Ramanathapuram and consequently to return the petitioner's vehicle namely Ashok Leyland Tipper Lorry bearing Registration No, TN 18-6616 to the petitioner forthwith.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.Mr.K.Prabakaran, Advocate for the Petitioner and of Thiru.Mr.E.Antony Sahaya Prabakar, Additional Public Prosecutor for the respondents one to four, this Court made the following order:

This Criminal Miscellaneous Petition has been filed to accept the cause title in Crl.R.C.(MD).No.462 of 2020 and permit the petitioner to file petition under Section 451 and 457 of Cr.P.C., before the trial Court for return of the property in the name of the deceased/5th respondent in Crime No.198 of 2018 on the file of the first respondent.

2.The petitioner's father is the owner of the vehicle Ashok Leyland Tipper Lorry bearing Registration No.TN 18 6616, Chasis No.KXE671553, Engine No.KXE106265Z. The same was said to have involved in the illegal transportation



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of the sand. Hence, the respondent Police registered a case in Crime No.198 of 2019 for the offence under Section 21(1) of Mines and Minerals (Development and Regulation) Act, on 24.10.2019. Thereafter, the respondent police seized the vehicle and produced the same before the trial Court. The petitioner's father was not arrayed as accused. The petitioner's father filed petition under Sections 451 and 457 of Cr.P.C., in CrI.M.P.No.294 of 2020, before the learned Principal Sessions Judge, Ramanathapuram, seeking interim custody of the said vehicle. The same was ordered on 09.03.2020 and the learned Principal Sessions Judge, Ramanathapuram, directed the respondent police to release the vehicle and imposed the following conditions:

“1.The petitioner shall execute a bond for a sum of Rs.1,00,000/- with two sureties for like sum.

2.The petitioner shall deposit a sum of Rs.1,00,000/- to the credit of the District Minerals Foundation Trust, Ramanathapuram and the petitioner shall produce the receipt for the deposit of the same from the concerned Authority at the time of furnishing security before the Court.

3.The petitioner shall take the photograph of the vehicle in its all four sides in the presence of the Inspector of Police, Parthibanur Police Station and produced the photographs in 8 numbers along with C.D. before this Court.

4.The petitioner is directed not to change or alter the condition



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of the vehicle.

5.The petitioner is directed to produce the original R.C. Book at the time of furnishing sureties.

6.The order is a purely interim custody subject to the final order to be passed under Section 21(4-A) of the Act.

7.The petitioner shall give an affidavit undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondents.

8.upon complying the above said condition and intimation from this Court, the Inspector of Police of the concerned Police Station shall hand over the vehicle Ashok Leyladn Tipper Lorry bearing Registration No. TN 18-6616 Cahsis No. KXE671553 Engine No.KXE 106265Z to the petitioner as interim custody.

9.The same if any loaded in the vehicle shall be handed over to the Revenue Divisional Officer and the receipt fo the same shall be produced before this Court. Further, the Revenue Divisional Officer shall auction the property in accordance with law.

10.If there is no sand is available in the vehicle, "Non availability certificate"shall be obtained from the respondent Police and the same shall be produced before this Court. At any point, the property i.e., sand shall not be handedover to either the petitioner or to the respondent Police."

3.The petitioner's father challenging the conditions Nos.2 and 5 before this

Court, filed the revision in Crl.R.C.(MD).No.462 of 2020. The same was ordered on

<https://www.mhc.tn.gov.in/judis>



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20.08.2020. The relevant portion of the order is extracted hereunder:

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“6.A perusal of the records reveals that the trial Court has ordered for a deposit of Rs.1,00,000/- (Rupees Two Lakh only) to the credit of the District Minerals Foundation Trust, Ramanathapuram. Since the case is pending before the Special Court, there is no necessity for depositing the amount before the District Minerals Foundation Trust, Ramanathapuram. It is seen that the vehicle is of the year 2009 and the vehicle was kept in the open place for the past ten months.

7.In so far as the fifth condition is concerned, this Criminal Revision is dismissed and the petitioner is directed to surrender the original R.C. Book before the learned Principal Sessions Judge, Ramanathapuram.

8.The second condition is modified and the petitioner is directed to deposit a sum of Rs. 50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.198 of 2019, on the file of the learned Principal Sessions Judge, Ramanathapuram and the condition No.1 is suo-motu modified, in addition to the cash deposit, the petitioner is directed to execute a bond for a sum of Rs. 5,00,000/- (Rupees Five Lakhs only) with two sureties for a like sum each.

9.All other conditions including the fifth condition remain unaltered.

10.With the above direction, this Criminal Revision Case is



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partly allowed."

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4.The father of the petitioner was under the financial constrain and he was unable to generate the fund and hence he had not complied the conditions. Mean while, on 13.08.2020, he died. Therefore, the petitioner filed the present petition to accept the cause title in CrI.R.C.(MD).No.462 of 2020.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 4.

6.This Court considered the said circumstances that the petitioner's father is unable to generate the fund and also he died on 13.08.2020. This Court also considered the fact that the petitioner's vehicle was kept in the custody from the date of occurrence itself. Hence, this Court is inclined to accept the prayer in the petition and issued the following directions:

1.This Court directed the learned Principal Sessions Judge, Ramanathapuram, to return the vehicle to the petitioner upon compliance of the order of this Court in CrI.R.C.(MD).No.462 of 2020, dated 20.08.2020.

2.The petitioner is directed to comply with the conditions imposed by the learned trial Judge.

3.Registry is directed to issue order copy with proper



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amendment.
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7. With the above directions, this Criminal Miscellaneous Petition is allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/02/2024

Sub Assistant Registrar
(CS-I / II / III / IV)

vsd

TO

1. The Principal Sessions Judge, Ramanathapuram.
2. The Inspector of Police
Parthibanur Police Station Ramanathapuram
District.
3. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
4. The Assistant Director,
Tamil Nadu Mines and Minerals
Ramanathapuram District.
5. The Tahsildar
Paramakudi,
Ramanathapuram District.



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6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

ORDER DATED : 20/12/2023

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ORDER

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in

Crl RC(MD).No.462 of 2020

Giving direction and etc.
as stated within.

RD(21/02/2024) 8P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.