



Crl.R.C.(MD)No.617 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.617 of 2024

Soundarapandi

... Petitioner/Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

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

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Dindigul.

4.The Tahsildar,
Office of the Tashildar,
Aathoor, Dindigul.

5.The State rep. By
The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
Crime No.195 of 2023

... Respondents/Respondents



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PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to pass an order to call for the records to the impugned order dated 06.06.2024 made in Crl.MP.No.4523 of 2023 on the file of Principal Sessions Judge, Dindigul, in Crime No.195 of 2023 on the file of the Inspector of Police, Kannivadi Police Station, Dindigul District, and set aside the same and consequently direct the 5th respondent police to return the vehicle “J.C.B Registration No.TN-59-Q-0231” lying in the custody of the 5th respondent herein, to the petitioner till the conclusion of the criminal case.

For Petitioner : Mr.K.Muthu Ganesa Pandian

For Respondents : Mr.B.Thanga Aravindh
Government Advocate(Crl. Side)

* * * * *

ORDER

The Criminal Revision Case has been filed to set aside the order in Crl.M.P.No.4523 of 2023, dated 06.06.2024 on the file of Principal Sessions Judge, Dindigul, in Crime No.195 of 2023 on the file of the Inspector of Police, Kannivadi Police Station, Dindigul District, and set aside the same and consequently direct the 5th respondent police to return the vehicle “J.C.B Registration No.TN-59-Q-0231” lying in the custody of the 5th respondent herein, to the petitioner till the conclusion of the criminal case.



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2.The petitioner claims to be the owner of the J.C.B bearing Reg.No.TN-59-Q-0231. On 11.08.2023, the respondent Police intercepted the J.C.B. bearing Reg.No. TN-59-Q-0231 and seized the vehicle as the same was used for transporting of soil illegally without any valid licence or permit and registered a case in Crime No.195 of 2023 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 Crl.M.P.No.4523 of 2023 and the learned Principal Sessions Judge, Dindigul, vide order dated 06.06.2024, has dismissed the petition on the ground that the petitioner has not produced any transmit pass. Challenging the same, the above Criminal Revision came to be filed before this Court.

4.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he is no way connected with the offences alleged against the petitioner and the vehicle was never involved in any illegal activity and the respondent police without verifying the same has foisted the above false case. He would further submit that the petitioner's family is depending upon the income deprived from the above said vehicle.



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5.The learned Government Advocate (Criminal Side) appearing for the respondent police submits that the petitioner is not having previous cases.

6.This Court considered the rival submissions and also perused the records and the impugned order.

7.In this case, the vehicle was seized on 11.08.2023. Till date, the confiscation proceeding is not initiated. The vehicle is keeping in the open place from 11.08.2023 onwards. Further, if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated. Considering the over all circumstances of the case, this Court is inclined to allow the revision by following the principle of law laid down by the Honourable Supreme Court, in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat*** reported in **2002 (10) SCC 283**.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 06.06.2024 in Crl.M.P.No.4523 of 2023 on the file of the learned Principal Sessions Judge, Dindigul, is hereby set aside and the learned Principal Sessions Judge, Dindigul, is directed to release the vehicle of the petitioner forthwith on



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the following conditions:-

(i) the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) as non-refundable for the vehicle to the credit of the **Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, Virudhunagar District, Account No.: 30700985498, State Bank of India, Tiruchuli, IFSC Code: SBIN0003832 on or before 29.07.2024, otherwise the impugned order shall stand restored;**

(ii) on such deposit the petitioner shall execute a bond to the value of the vehicle mentioned in the insurance certificate existed on the date of occurrence before the learned Principal Sessions Judge, Dindigul;

(iii) The petitioner shall file an affidavit with specific undertaking that they shall not involve in any illegal mining or any other offence and vehicle also will not be used in the illegal mining or any other offence;

(iv) The photograph of the vehicles is to be taken properly and the petitioner shall produce their vehicles as and when required by the Courts below;

(v) The petitioner shall not alienate the vehicle till the disposal of confiscation proceeding;

(vi) The investigating agency shall initiate the confiscation proceedings within a period of 10 days from the date of receipt of a copy of this order before the Courts



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below and the Courts below shall dispose the same within a period of two months thereafter; and

(vii) The petitioner shall co-operate with the trial Court to complete the confiscation proceedings.

9.Post the matter on **30.07.2024**, for reporting compliance.

05.07.2024

(7/9)

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

Note: Issue Order Copy on 08.07.2024.



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To

- 1.The learned Principal Sessions Judge, Dindigul.
- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.The Assistant Director,
Department of Geology & Mining,
Dindigul.
- 4.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Dindigul.
- 5.The Tahsildar,
Office of the Tashildar,
Aathoor, Dindigul.
- 6.The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
8. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

RJR

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