



CrI.R.C(MD).No.711 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.07.2024

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.R.C(MD)No.711 of 2024

Sakthivel

... Petitioner

Vs.

State through the
Inspector of Police,
Keelavalavu Police Station,
Madurai District.

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the order dated 25.06.2024 made in Cr.M.P.No.1617 of 2024 passed by the Special District Court to Deal with the cases of Offences in Contravention of the Provision of the Mines and Minerals (D & R) Act, Madurai and in respect of the condition No.(i) and (vii) imposed is alone to set aside and consequently direct the learned Special District Court to Deal with the cases of Offences in Contravention of the Provision of the Mines and Minerals (D & R) Act, Madurai, to release the Ashok Leyland Tipper Lorry bearing registration number 57 AD 3602 of the petitioner.

For Petitioner : Mr.B.Santhanam Rajesh Kumar
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (CrI.Side)



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ORDER

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The Criminal Revision Case has been filed to call for the records pertaining to the order dated 25.06.2024 made in Cr.M.P.No.1617 of 2024 passed by the Special District Court to Deal with the cases of Offences in Contravention of the Provision of the Mines and Minerals (D & R) Act, Madurai and in respect of the condition No.(i) and (vii) imposed is alone to set aside and consequently direct the learned Special District Court to Deal with the cases of Offences in Contravention of the Provision of the Mines and Minerals (D & R) Act, Madurai, to release the Ashok Leyland Tipper Lorry bearing registration number 57 AD 3602 of the petitioner.

2. The petitioner claims to be the owner of the Ashok Leyland Tipper Lorry, bearing Reg.No.TN-57-AD-3602. On 26.12.2023, the respondent Police intercepted the vehicle/ Ashok Leyland Tipper Lorry 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.327 of 2023 for the offences under Sections 379 I.P.C and 21(5) of Mines and Minerals (Development and Regulations) Act, 1957.



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3. It is not in dispute that the petitioner has approached the learned Special District Court to Deal with the cases of Offences in Contravention of the Provision of the Mines and Minerals (D & R) Act, Madurai, for returning of the said vehicle in Crl.M.P.No.1617 of 2024 and the learned Special District Court to Deal with the cases of Offences in Contravention of the Provision of the Mines and Minerals (D & R) Act, Madurai, vide order dated 25.06.2024, has allowed the petition with the following conditions :-

" (i) the Original Registration Certificate of the Ashok Leyland Tipper Lorry bearing registration number TN-57-AD-3602, Chasis No.MBIG3DYC5BETF6126, Engine No.TBE150764Z shall be deposited into the Court of the learned Judicial Magistrate, Melur Unit further order in this regard.

ii) Before the returning the vehicle shall be prepared by the Court of the learned Judicial Magistrate, Melur in Form No.82 of the Criminal Rules of Practice, 2019 as enumerated under Rule 257 of the said Rules.



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iii) The petitioner-owner of the vehicle shall photograph the Ashok Leyland Tipper Lorry bearing Registration number TN-57-AD-3602 Chasis No.MBIG3DYC5BETF6126, Engine No.TBE150764Z and produce the same before the Court of the learned Judicial Magistrate, Melur that shall be duly certified by the learned counsel appearing for the petitioner-owner of the vehicle;

iv) The petitioner-owner shall not made any alteration of the vehicle.

v) The petitioner-owner herein shall not pledge of alienate the vehicle or create any kind of encumbrances over the same;

vi) The petitioner-owner is also directed to file an affidavit before the Court of the learned Judicial Magistrate, Melur to the effect that he shall never alienate or alter the vehicle in any manner throughout the interim custody of the vehicle and shall keep the vehicle available till the disposal of the case.



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Vii) The petitioner owner shall deposit a sum of cash surety of Rs.1,00,000/- into the Court of the learned Judicial Magistrate, Melur to the credit of this case and also execute a bond for a sum of Rs.1,00,000/- along with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Melur.

viii) The petitioner-owner shall produce the vehicle before the Court of the learned Judicial Magistrate, Melur on the first working day of every month until disposal of the case."

Challenging the condition Nos.(i) and (vii), this above Criminal Revision Case has been filed before this Court.

4. The learned counsel appearing for the petitioner would submit that 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 obtained loan from the Finance Company. Therefore, he has not produced the Original RC book and he is ready to produce the Xerox copy of the RC book. He further submitted that the petitioner's family is



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depending upon the income deprived from the above said vehicle. Therefore, he has not able to deposit a sum of cash surety of Rs.1,00,000/- before the learned Judicial Magistrate, Melur. Hence, he seeks modification of the above said conditions.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that the accused person involved in several previous cases. Hence, he raised to objection to allow this case.

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

7. The learned Government Advocate (Crl.Side) has made an objection that one of the accused involved in several cases is not a ground to dismiss this petition. Accordingly, the objection of the learned Government Advocate (Crl.Side) is not acceptable by this Court.

8. Considering the facts and the circumstances of this case and also the fact that the original registration certificate of the vehicle is in the custody of the



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finance company and therefore, this Court is inclined to disposed of the Criminal Revision Case with the following terms :

(i) The first condition imposed in Cr.M.P.No.1617 of 2024 passed by the Special District Court to Deal with the cases of Offences in Contravention of the Provision of the Mines and Minerals (D & R) Act, Madurai dated 25.06.2024 to produce the Original Registration Certificate of the vehicle is modified into the petitioner shall produce the Xerox copy of the Registration Certificate of the Ashok Leyland Tipper Lorry bearing registration number TN-57-AD-3602, Chasis No.MBIG3DYC5BETF6126, Engine No.TBE150764Z.

(ii) The other conditions imposed in Cr.M.P.No.1617 of 2024 passed by the Special District Court to Deal with the cases of Offences in Contravention of the Provision of the Mines and Minerals (D & R) Act, Madurai dated 25.06.2024 shall remain unaltered.

(iii) The petitioner is directed to pay a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** as non-refundable for the vehicle to the credit of the **Head Master, Sethupathi Government Higher Secondary School, Tiruchuli,**



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**Virudhunagar District, Account No.:30700985498, State Bank of India,
Tiruchuli, IFSC Code: SBIN0003832 on or before 01.08.2024, otherwise the
impugned order shall stand restored.**

9. Post the matter on **02.08.2024** for reporting compliance.

29.07.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

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(Note : Issue order copy on 29.07.2024)

To

1. The Special District Court to Deal with the cases of
Offences in Contravention of the Provision of the Mines and
Minerals (D & R) Act, Madurai.

2. Inspector of Police,
Keelavalavu Police Station,
Madurai District.

3. The Section Officer,
Record Section (Criminal),
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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