



Crl.R.C(MD).No.723 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 29.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.723 of 2024

Saline Rose

... 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,
Dindigul West Taluk.

5.The State Rep. By
Inspector of Police,
Kannivadi Police Station,
Dindigul District.

... Respondents



Crl.R.C(MD).No.723 of 2024

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., (under Section 438 and 442 of BNSS), to call for the records relating to the impugned order dated 10.07.2024 made in Crl.M.P.No.3961 of 2023 on the file of the learned 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 fifth respondent police to return the vehicle “Tipper Lorry bearing Registration No.TN 22-CT-3820” lying in the custody of the fifth 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 call for the records relating to the order dated 10.07.2024 in Crl.M.P.No.3961 of 2023 on the file of the learned Principal Sessions Judge, Dindigul, set aside the same and to return the vehicle bearing Reg.No. TN 22-CT-3820 to the petitioner herein.

2. The petitioner claims to be the owner of the Tipper Lorry bearing Reg.No.TN 22-CT-3820. On the date of occurrence, the respondent Police



Crl.R.C(MD).No.723 of 2024

intercepted the vehicle/ 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.195 of 2023 for the offences under Sections 379 I.P.C and 21(1) of Mines and Minerals (Development and Regulations) Act, 1957.

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.3961 of 2023 and learned Principal Sessions Judge, Dindigul, vide order dated 10.07.2024, has dismissed the petition. 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 in 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.



Crl.R.C(MD).No.723 of 2024

WEB COPY

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that the one of the accused is having previous cases. Hence, he prayed for dismissal of this petition.

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. In this case, the vehicle was seized on 06.10.2023. The vehicle is keeping in the open place. 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**.



Crl.R.C(MD).No.723 of 2024

WEB COPY

9. Accordingly, this Criminal Revision Petition is allowed and the order dated 10.07.2024 in Crl.M.P.No.3961 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 the following conditions :-

(i) the petitioner is directed to deposit a sum of **Rs.75,000/- (Rupees Seventy Five Thousand 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 01.08.2024, 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;



Crl.R.C(MD).No.723 of 2024

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

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

10. Post the matter on **02.08.2024** for compliance.

29.07.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
tta

(Note : Issue order copy on 30.07.2024)



Crl.R.C(MD).No.723 of 2024

WEB COPY

1. The 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,
Dindigul West Taluk.
6. The State Rep. By
Inspector of Police,
Kannivadi Police Station,
Dindigul District.
7. The Section Officer,
Record Section (Criminal),
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.R.C(MD).No.723 of 2024

K.K.RAMAKRISHNAN, J.

tta

Crl.RC(MD)No.723 of 2024

29.07.2024