



Crl.R.C.(MD) No.856 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.856 of 2024

Illayaraja

: Petitioner

Vs.

State represented by
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(Crime No.327 of 2023)

: Respondent/Complainant

Prayer : This Criminal Revision 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 Crl.M.P.No.1598 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 Judge to release the Earth moving equipment (JCB) bearing Registration No.TN-59-CX-1454 to the petitioner.

For Petitioner : Mr.B.Santhanam Rajesh Kumar



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For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Petition is directed against the order, dated 25.06.2024 in Crl.M.P.No.1598 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 consequently, direct the learned Judge to release the Earth moving equipment (JCB) bearing Registration No.TN-59-CX-1454 to the petitioner.

2. The petitioner claims to be the owner of the Earth moving equipment (JCB) bearing Registration No.TN-59-CX-1454. On 26.12.2023, the respondent seized the vehicle viz., Earth moving equipment (JCB) bearing Registration No.TN-59-CX-1454 as the same was used for transporting of gravel sand without any valid license or permit and registered a case in Crime No.327 of 2023 for the offence under Section 379 IPC r/w Section 21(5) of MMDR Act 1957.



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3. It is not in dispute that the petitioner has approached 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, for returning of the said vehicle in Crl.M.P.No.1598 of 2024 and the learned Special Judge, vide order dated 25.06.2024, has allowed the petition with certain conditions that the petitioner shall surrender the original R.C. Book and also to deposit a sum of cash surety of Rs.1,00,000/- to the credit of the of the case and on compliance of the conditions, the above vehicle bearing Registration No.TN-59-CX-1454 shall be returned to the petitioner on interim custody. Challenging the above said conditions, the above Criminal Revision came to be filed before this Court.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is not having any previous case for similar offence. He would further submit that the value of the vehicle is Rs.22,00,000/-.



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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

6. The learned counsel for the petitioner would submit that the original R.C. book is with the Kotak Mahindra Bank and that he is not in a position to produce the original R.C. book. He would further submit that the petitioner is ready to produce the certified copy of R.C. Book.

7. The learned counsel for the petitioner would further submit that the petitioner's 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.

8. The main grievance of the petitioner is that the conditions imposed by the learned Judge in directing the petitioner to surrender the original R.C. book and deposit a sum of Rs.1,00,000/-, is onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.



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9. Considering the above facts and circumstances of the case and also the fact that the condition imposed by 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 , is onerous, this Court is inclined to modify the conditions (i) and (vii).

10. In the result, this Criminal Revision Petition is partly allowed. The order of 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, made in Cr.M.P.No.1598 of 2024, dated 25.06.2024 is modified in respect of the conditions No.(i) and (vii) alone and it is modified to the effect that the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as non-refundable for the vehicle to the credit of the District Mineral Foundation Trust, Madurai District and the petitioner shall execute a bond for a sum of **Rs.6,00,000/- (Rupees Six Lakhs only)**, with two sureties for a likesum to the satisfaction of 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. Further, the



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petitioner shall produce a certified copy of the original R.C.Book along with letter of the Kotak Mahindra Bank addressed to the Court stating that the RC book is in their possession. In respect of other conditions, the order of 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, shall remain unaltered.

09.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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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.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
CrI.R.C.(MD)No.856 of 2024

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