



Crl.R.C.(MD)No.1357 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2024

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THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.1357 of 2024

Palanisamy

... Petitioner

Vs.

1.The District Collector,
Dindigul, Dindigul District.

2.The Assistant Director,
Mines and Minerals Department,
Dindigul, Dindigul District.

3.The Revenue Divisional Officer,
Dindigul, Dindigul District.

4.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

5.The State represented by,
The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.
(Crime No.260 of 2023)

... Respondents

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442
BNSS, to call for the records relating to the order passed by the learned



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Principal Sessions Judge, Dindigul in Crl.M.P.No.3734 of 2023 dated 08.04.2024 in connection with Crime No.260 of 2023 on the file of the Inspector of Police, Shanarpatti Police Station, Dindigul and set aside the same.

For Petitioner : Mr.V.S.Ariharasudhan

For Respondents : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

ORDER

The Criminal Revision Case is directed against the order, dated 08.04.2024, passed in Crl.M.P.No.3734 of 2023 on the file of the learned Principal Sessions Judge, Dindigul dismissing the petition filed under Sections 451 and 457 of Cr.P.C.

2. The petitioner claims to be the owner of the vehicle Mahindra 475 DI Tractor bearing Registration No.TN-31-K-3775. On 05.08.2023, the respondent police seized the vehicle on the ground that the vehicle was used for transporting sand without any valid license or permit, and registered a case in Crime No.260 of 2023 for the offence under Section 379 of IPC r/w Section 21(1) of the Mines and Minerals (Development & Regulation) Act.



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3. It is not in dispute that the petitioner has approached the learned Principal Sessions Judge, Dindigul by filing a petition for the return of vehicle bearing registration No.TN-31-K-3775 in Crl.M.P. No.3734 of 2023, and the learned Principal Sessions Judge, Dindigul, vide order dated 08.04.2024, has dismissed the said petition by observing that the Registration Certificate of the said vehicle has been expired 3 years before the date of alleged occurrence. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

5. The learned counsel appearing for the petitioner would submit that the vehicle Mahindra 475 DI Tractor bearing Registration No.TN-31-K-3775 is owned by the petitioner, and the petitioner is not even an accused in the aforesaid case, and the vehicle was handed over by the petitioner to the alleged accused only for the purpose of



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agriculture, and the vehicle is with the police for the past one year and four months, and if the vehicle is kept in open place, the value of the said vehicle will get deteriorated. He would also submit that despite several attempts have been made by the petitioner to contact the alleged accused for renewal of RC Book, the RC Book of the vehicle could not be renewed only due to his non-cooperation. Further, he would submit that the petitioner is even ready to produce the original RC Book of the vehicle, after renewing the same. Therefore, interim custody of the vehicle may be granted to the petitioner.

6. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that the petitioner is the owner of the vehicle bearing registration No.TN-31-K-3775, and the vehicle was used for transporting sand without any valid license. He would also submit that the confiscation proceeding has not been initiated yet. Further, he would submit that the property has already been produced before the trial Court and the same has been assigned R.P.R.No.7 of 2024.



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7. In this case, the vehicle was seized on 05.08.2023. The vehicle is keeping in the open place from 05.08.2023 onwards. Further, if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody. Considering the over all facts and circumstances of the case, this Court is inclined to allow this 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 [2002 (10) SCC 283]***.

8. Accordingly, this Criminal Revision Case is allowed, and the order, dated 08.04.2024, passed in Crl.M.P.No.3734 of 2023 by the learned Principal Sessions Judge, Dindigul is hereby set aside, and the vehicle Mahindra 475 DI Tractor bearing Registration No.TN-31-K-3775 is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions :



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(i) the petitioner is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** as non-refundable deposit for the said vehicle to the credit of **the District Mineral Foundation Trust, Dindigul District;**

(ii) On such deposit, the petitioner shall execute a bond for a sum of Rs.4,00,000/- (Rupees Four Lakhs only) with two sureties for a likesum to the satisfaction of the learned Principal Sessions Judge, Dindigul;

(iii) the vehicle shall be photographed in different angle and the engine and chassis number shall also be photographed in the presence of the Head Clerk of the learned Principal Sessions Judge, Dindigul at the cost of the petitioner and the petitioner's signature to be obtained in the backside of the photographs, and the said photographs and CD shall be kept in the case bundle for the purpose of marking them as material objects during trial;

(iv) the petitioner shall renew the Registration Certificate of the vehicle, and shall deposit the renewed original Registration Certificate of the vehicle before the learned Principal Sessions Judge, Dindigul



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and the said exercise shall be completed within a period of one month from the date of release of the vehicle;

(v) the petitioner shall not alienate and shall not alternate the physical features of the vehicle till the disposal of the case;

(vi) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

16.12.2024

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

To

- 1.The learned Principal Sessions Judge,
Dindigul
- 2.The District Collector,
Dindigul, Dindigul District.
- 3.The Assistant Director,
Mines and Minerals Department,
Dindigul, Dindigul District.



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4.The Revenue Divisional Officer,
Dindigul, Dindigul District.

5.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

6.The State represented by,
The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.

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



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P.VADAMALAI, J.

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