

**IN THE COURT OF PRINCIPAL SESSIONS JUDGE, DINDIGUL**

**PRESENT: Selvi. M.K. Jamuna, M.L.,  
Principal Sessions Judge, Dindigul**

Friday, the 13th day of August 2021

**CrI.M.P. No.2146/2021  
(CNR No. TNDG010032482021)**

Raman, 43/2021  
S/o.Ammavasi,

.. Petitioner/Owner of the Vehicle

/vs/

1. The District Collector, Dindigul.
2. The Tahsildar, Nilakottai
3. The Revenue Divisional Officer, Dindigul.
4. State through Inspector of Police,  
Batlagundu P.S. Cr. No.857/2021
5. The Assistant Director,  
Department of Geology and Mining, Dindigul .. Respondents

This petition came on 11.08.2021 for final hearing before me, Thiru. K.T.Batra, Advocate for the petitioner and Thiru. R.Manoharan, Public Prosecutor for the State and after heard both sides through online mode and perused the records, this Court passed the following

**ORDER**

The petitioner has filed this petition u/s. 451 Cr.P.C. praying orders to grant interim custody of his JCB bearing registration No.TN 60 AD 7959 which was remanded in RPR No.106/2021 before the Judicial Magistrate Court, Nilakottai.

The learned counsel for the petitioner would contend that the petitioner is owner of JCB bearing registration No.TN 60 AD 7959, that the respondent police by alleging that his vehicle was involved in the illegal transportation of Red soil and registered a case in Cr. No.857/2021 of Batlagundu police station, the petitioner's vehicle has been seized and remanded in RPR No.106/2021 before the Judicial Magistrate Court, Nilakottai, but, the petitioner has not committed any offence as alleged and he is not an accused in this case, hence, the petitioner filed W.P. (MD) No.10927/2021 before the Hon'ble Madurai Bench of Madras High Court and the

same was dismissed with direction that the petitioner is at liberty to work out his remedy in the manner known to law in tune with the order of the Division Bench and if any application is made by the petitioner, the same would be disposed of within two weeks from the date of receipt of such application, hence, the petitioner came forward with this petition seeking interim custody of vehicle, that he is ready to abide any condition imposed by this Hon'ble Court, that the petitioner is depending on the said vehicle for income and that he undertakes not to alienate or alter the vehicle, that the petitioner has no previous case and he will obey the conditions that may be imposed by this Court.

Notice issued to the respondents. Reply received from the learned Public Prosecutor and recorded.

The learned Public Prosecutor submitted that the JCB bearing registration No.TN 60 AD 7959 was involved in the illegal transportation of Red soil has been seized by the respondent police concerned in Cr.No.857/2021 u/sec.379 IPC and Sec.21(1) of Mines and Minerals Act of Batlagundu P.S. and the vehicle was remanded before the Judicial Magistrate Court, Nilakottai in RPR No.106/2021, that the petitioner has no other previous case of similar nature, that if interim custody of vehicle ordered, there is more chance for doing the same offence and there is chance for alienate or encumber or alter the vehicle and that they are having serious objection to release the vehicle.

Perused online submissions of either side. Records perused. The admitted facts are that the vehicle has been seized by the respondent police. The learned Public Prosecutor conceded that the case property was remanded before the Judicial Magistrate Court, Nilakottai in RPR No.106/2021. On perusal of copy of R.C. submitted by the petitioner side pertaining to JCB bearing registration No.TN 60 AD

7959 reveals that the said JCB was hypothecated under M/s. Indus Ind Bank Ltd., No.116 G.N.Chetty Road, T.Nagar, Chennai w.e.f. 8.11.2018. Further more, in the copy of GST Invoice submitted by the petitioner also mentioned that Hypothecation with M/s. Indus Ind Bank Limited. The petitioner has not chosen to put forth any plea or evidence to show the hypothecation was cancelled. In this circumstances, in the interest of justice, this Court not inclines to allow the petition. Hence, the petition is dismissed.

Pronounced by me, this the 13<sup>th</sup> day of August 2021.

**Principal Sessions Judge,  
Dindigul.**

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“ <https://districts.ecourts.gov.in/case status/case number> ”

**Copy to**

The Judicial Magistrate, Nilakottai.  
The Public Prosecutor, Dindigul.  
The Inspector of Police, Batlagundu P.S.  
Thiru. K.T.Bathra, Advocate  
for the petitioner.

To ensure social distancing, they are requested to download the order from the official web site link.