

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

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

Thursday, the 12th day of August 2021

**CrI.M.P. No.2325/2021**  
**(CNR No. TNDG010035152021)**

Sasikala, 28/2021

S/o. Paulraj

.. Petitioner/Owner of the Vehicle

/vs/

1. The District Collector, Dindigul.
2. The Assistant Director,  
Department of Geology and Mining, Dindigul
3. The Revenue Divisional Officer, Dindigul.
4. The Tahsildar, Nilakottai
5. State through Inspector of Police,  
Pattiveeranpatti P.S. Cr. No.537/2021 .. Respondents

This petition came on 10.8.2021 for final hearing before me, Thiru. A.Mariappan, 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. 457 r/w. 451 Cr.P.C. praying orders to grant interim custody of her Tractor bearing registration No.TN 50 AZ 6721 with unnumbered trailer which is in Police custody.

The learned counsel for the petitioner would contend that the petitioner is owner of Tractor bearing registration No.TN 50 AZ 6721 with unnumbered trailer, that the respondent police by alleging that her vehicle was involved in the illegal transportation of sand and registered a case in Cr. No.537/2021 of Pattiveeranpatti police station, the petitioner's vehicle has been seized and kept in police custody, that the petitioner has not committed any offence as alleged, hence, the petitioner filed W.P. (MD) No.11352/2021 before the Hon'ble Madurai Bench of Madras High Court and the same was dismissed with direction that the petitioner is at liberty to the petitioner to work out her 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 she 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 she undertakes not to alienate or alter the vehicle, that the petitioner has no previous case and she 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 Tractor bearing registration No.TN 50 AZ 6721 along with unnumbered trailer was involved in the illegal transportation of sand has been seized by the respondent police concerned in Cr.No.537/2021 of Pattiveeranpatti P.S. and the vehicle was now remanded before the learned Judicial Magistrate, Nilakottai in RPR No.142/2021, that the petitioner/owner of the vehicle 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 petitioner's 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.142/2021. In order to prove the ownership and identity, the petitioner submitted copy of R.C. and copy of Aadhaar. In this circumstances, it is necessary to refer the following Apex Court decision. In the light of the decision reported in

**(2002)(10) SCC 283**  
**Sundarbai Ambalal Desai /vs/State of Gujarat**

*It was held that*

*".....it is of no use to keep seized vehicles at the police station for a long period. It is to pass appropriate order immediately by taking appropriate bond and guarantee as well as security for return of said vehicles, if required at any point of time".*

In view of the decision laid above and on considering the above facts and circumstances of the case and also the fact that if the vehicle is allowed to be kept idle by exposing the same in rain and shine, it would damage the vehicle and diminish its value. Considering the above facts and circumstances, this Court inclines to release the vehicle in question viz. Tractor

bearing registration No. TN 50 AZ 6721 along with unnumbered trailer on Interim custody to the petitioner with the following conditions.

In the result, this petition is allowed and the learned Judicial Magistrate, Nilakottai is directed to release the vehicle in question viz. Tractor bearing Registration No. TN 50 AZ 6721 along with unnumbered trailer to the petitioner after strict compliance of the following conditions.

1. The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the District Mines and Mineral Foundation Trust, Dindigul as non-refundable deposit on or before 23.08.2021. After made payment, the petitioner is directed to produce the acknowledgement receipt and deposit all the documents pertaining to the ownership of the seized vehicle including Original R.C. Book before the learned Judicial Magistrate, Nilakottai.
2. The petitioner is directed to appear before the learned Judicial Magistrate, Nilakottai and execute her own bond for a sum of Rs.1,50,000/- with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate without fail.
3. **After successful compliance of 1<sup>st</sup> and 2<sup>nd</sup> condition by the petitioner, the learned Magistrate is directed to release the vehicle in question forthwith.**
4. The petitioner shall file an affidavit of undertaking that she shall not involve in any offence in future that may lead to the seizure of the vehicle in question.
5. The petitioner shall not alienate/encumber or alter the vehicle in question till the proceedings are completed.
6. The petitioner shall co-operate with the enquiry to be conducted by the respondent.
7. The petitioner shall produce the vehicle before the concern Magistrate as and when required.

Pronounced by me, this the 12<sup>th</sup> day of August 2021.

**Principal Sessions Judge,  
Dindigul.**

- Since this order is electronically generated and issued with digital signature.
- **This order is available in E-Courts Official Web Site,**  
“ <https://districts.ecourts.gov.in/case status/case number> ”

**Copy to**

The Judicial Magistrate, Nilakottai.  
The Public Prosecutor, Dindigul.  
The Inspector of Police,  
Pattiveeranpatti P.S.  
Thiru. A.Mariappan, Advocate  
for the petitioner.

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