

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.2345/2021
(CNR No. TNDG010035412021)**

Satheeskumar, 41/2021
S/o.Ponram

.. Petitioner/A1/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 Tractor bearing registration No.TN 60 E 3099 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 Tractor bearing registration No.TN 60 E 3099, that he had purchased the vehicle from one R.Muthusamy, S/o. Ramasamy, V.Vadipatti, Periyakulam Taluk, Theni District on 20.4.2021, due to innocence, he has not effected name transfer, but, the vehicle is in his possession and enjoyment, in the mean time, the respondent police by alleging that the petitioner along with his vehicle involved in the illegal transportation of Red soil and registered a case in Cr. No.857/2021 of Batlagundu police station, the petitioner is arrayed as A1, in that case and the vehicle has been seized and remanded in RPR No.106/2021 before the Judicial Magistrate Court, Nilakottai, that the petitioner has not committed any offence as alleged, hence, the petitioner filed W.P. (MD) No.10933/2021 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 come 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 Tractor bearing registration No.TN 60 E 3099 along with Trailer bearing Registration No. TN 60 E 3110 was involved in the illegal transportation of red soil has been seized by the respondent police concerned in Cr. No.857/2021 of Batlagundu P.S. u/sec. 379 IPC and Sec.21(1) of Mines and Minerals Act and the vehicles were remanded before the Judicial Magistrate Court, Nilakottai in RPR No.106/2021, in that case the petitioner is arrayed as A1, 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 learned counsel for the petitioner submitted that he had purchased a Tractor bearing registration No.TN 60 E 3099 from one R.Muthusamy, S/o. Ramasamy, V.Vadipatti, Periyakulam Taluk, Theni District on 20.4.2021 and it was under his possession and enjoyment, since he is an innocent, he has not effected name transfer, in the mean time, the respondent police by alleging that his vehicle was involved in the illegal transportation of sand has been seized, hence, the petitioner filed W.P. (MD) No.10933/2021 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, hence, the petitioner come forward with this petition seeking interim custody of vehicle. In support of his claim, he submitted copy of R.C. Book in the name of

said R.Muthusamy, S/o. Ramasamy, Copy of Sale Receipt, T.O. Forms, Copy of FIR and Copy of Hon'ble High Court Order. The learned Public Prosecutor not raised any objection with respect to transfer of ownership and that he raised objection by stating that the Tractor bearing registration No.TN 60 E 3099 was involved in the illegal transportation of red soil has been seized by the respondent police and the petitioner was arrayed as A1 and he was remanded on the spot and now the same was remanded in R.P.R. No106/2021 before the Judicial Magistrate Court, Nilakottai, that the investigation of the case has not been completed, 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. As per FIR, the petitioner has involved in the occurrence with the Tractor bearing registration No. TN 60 E 3099 and he was caught red handed and arrayed as A1. On perusal of copy of R.C.Book, one R.Muthusamy, S/o. Ramasamy, V.Vadipatti, Periyakulam Taluk, Theni District is shown as owner of the Tractor bearing registration No. TN 60 E 3099, as well as on perusal of copy of T.O. Form, dated 20.4.2021, the said R.Muthusamy, S/o. Ramasamy sold his vehicle to Satheeskumar, S/o. Ponram, Eluvanampatti Post, Viralipatti, Nilakottai Taluk, Dindigul District who is petitioner herein. As per FIR, the occurrence took place on 15.6.2021, hence as per records, on the date of occurrence the petitioner is owner of the vehicle. At this juncture, it is necessary to refer the following Hon'ble Apex Court decision.

(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, this Court inclines to release the vehicle in question on interim custody to the petitioner by imposing stringent 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 60 E

3099 to the petitioner after strict compliance of the following conditions.

1. The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the District Mines and Mineral Foundation Trust, Dindigul as non-refundable deposit on or before 23.8.2021. 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. Since the transfer of ownership not effected in the name of the petitioner, the petitioner is directed to appear before the learned Judicial Magistrate, Nilakottai and execute his own bond for a sum of Rs.1,00,000/-(Rupees One Lakh only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate without fail.
3. **After successful compliance of 1st and 2nd 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 he shall not involve in any offence in future that may lead to the seizure of the vehicle in question and complete the transfer of ownership of the vehicle in his favour within a month from the date of receipt of interim custody of the vehicle and then deposit the transfer effected Original R.C. Book before the Jurisdictional Magistrate, failing which the learned Magistrate is directed to initiate appropriate action to recover the vehicle under intimation to this Court.**
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 13th 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, 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.