

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, DINDIGUL

8

PRESENT: Tmt. A.Muthusaratha, B.L., P.G.D.P.M.,
Principal Sessions Judge, Dindigul

Thursday, the 30th day of April 2026

CrI.M.P. No.424/2026
(CNR.No.TNDG010011372026)

Sakeer Husain @ Sakeer Husain Veerasseri, 38/2026

S/o. Moideen

.. Petitioner/Owner of the Vehicle/accused

/vs/

1. The District Collector, Dindigul.
2. The Assistant Director,
Department of Geology and Mining, Dindigul.
3. The Revenue Divisional Officer, Palani
4. The Tahsildar, Oddanchatram
5. State through
Inspector of Police,
Kallimandayam P.S. Cr. No. 211/2026

∴ Ananded as Per order of
Memo. Dt. 25-5-26

.. Respondents

PSJ

This petition came on 28.4.2026 for final hearing before me, in the presence of Thiru. L.Kathiravan, learned Advocate for the petitioner and of Thiru. P.Mahendran, learned Public Prosecutor and after heard both sides and perused the records, this Court passed the following

ORDER

The petitioner has filed this petition u/s. 497 and 503 of BNSS 2023 praying orders to grant interim custody of his Tipper Lorry bearing registration No. TN 94 X 3867.

2. The learned counsel for the petitioner submitted that the petitioner is Managing Director and Partner of Sakthi Blue Metals, that all the vehicles purchased for his firm were registered as MG Partner Sakeer Husain Veerasseri, that the respondent police by alleging that the Tipper Lorry bearing registration No. TN 94 X 3867 has involved in the illegally transported broken stones without any valid licence for which a case was registered in Kallimandayam P.S. Cr. No. 211/2026 U/s. 303

∴ Ananded as Per order of
Memo. Dt. 25-5-26

PSJ

of BNS Act and Section 21(1) of Mines & Minerals (Development & Regulation) Act 1957, that the Tipper Lorry bearing registration No. TN 94 X 3867 has been recovered by the respondent police, remanded before the learned Magistrate Court and now kept in open place, that the petitioner has not involved any offence as alleged and it has been falsely implicated in this case, that the petitioner is depending upon the said vehicle for income and that he undertakes not to alienate or alter the vehicle, that he will obey the conditions that may be imposed by this Court.

3. The learned Public Prosecutor submitted that Tipper Lorry bearing registration No. TN 94 X 3867 was illegally transported broken stones without any valid licence for which a case was registered in Kallimandayam P.S. Cr. No. 211/2026 U/s. 303 of BNS Act and Section 21(1) of Mines & Minerals (Development & Regulation) Act 1957, that the properties have been remanded in R.P.R. No.4/2026, if interim custody is provided, he may again involve in similar offence and there are possibilities of not co-operating for the investigation and the petition may alter the colour of the vehicle or transfer or sell the vehicle, if it happens then it will be difficult to finish the investigation, hence the petition may be dismissed.

4. Whether the interim custody of vehicle in question is to be granted to the petitioner? is point for consideration.

5. Rival contentions taken into consideration. Records perused. The admitted facts are that the Tipper Lorry bearing registration No. TN 94 X 3867 has been seized by the respondent police for the case in Cr. No. 211/2026 of Kallimandayam Police station and remanded in R.P.R. No.4/2026 before the Jurisdictional Magistrate Court. It is stated by the petitioner side that the petitioner is Managing Director and Partner of Sakthi Blue Metals, that all the vehicles purchased for his firm were registered as MG Partner Sakeer Husain Veerasserri. In order to prove the ownership of the vehicle in question, the petitioner submitted copy of Smart card R.C., Sakthi Blue Metals Registration Certificate along with Details of Managing Partners. It reveals that the vehicle's R.C. was issued in the name of "MG

X. Amended As Per order
of Memo. Dt. 25.5.26

PSJ

Partner Sakeer Husain Veerasseri" and the Petitioner's name Sakeer Husain Veerasseri was found place as Sakthi Blue Metals' Managing / Authorized Partners. The petitioner submitted copy of Aadhaar Card for his identity. It is not the case of the prosecution that the petitioner is not a owner of the vehicle in question. Further, the FIR was registered against Driver and Owner of the Tipper Lorry TN 94 X 3867. On perusal of records, no financier name is found place in the Smart Card R.C. of the vehicle in question. At this juncture, it is necessary to refer the following Apex Court decision. In the light of the decision reported in

2002 Supp (3) SCR page 39

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 in question is allowed to be kept idle by exposing the same in rain and shine, it would damage the same and diminish its value and become useless, this Court is inclined to release the Tipper Lorry bearing registration No. TN 94 X 3867 remanded in R.P.R. No.4/2026 on the file of Judicial Magistrate, Oddanchatram on interim custody to the petitioner by imposing stringent conditions.

In the result, this petition is allowed and the learned Judicial Magistrate, Oddanchatram is directed to release the vehicle in question i.e. the Tipper Lorry bearing registration No. TN 94 X 3867 remanded in R.P.R. No.4/2026 on the file of learned Judicial Magistrate, Oddanchatram to the petitioner for interim custody on the strict compliance of the following conditions.

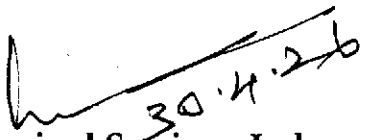
1. The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the District Mines and Mineral Foundation Trust, Dindigul as non-refundable deposit on or before 1.6.2026. After made

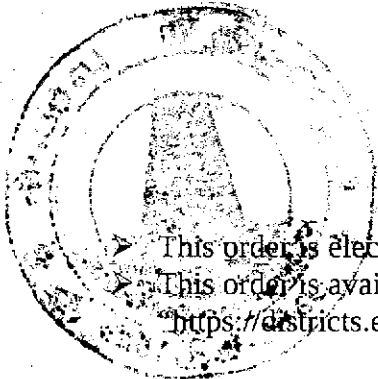


payment, the petitioner is directed to produce the acknowledgment receipt and deposit all the documents pertaining to the ownership of the seized vehicle including Original R.C. before the learned Judicial Magistrate, Oddanchatram.

2. The petitioner shall execute a bond for a sum of Rs.3,00,000/- with two sureties for a like sum each to the satisfaction of the said learned Judicial Magistrate without fail.
3. The petitioner shall file an affidavit of undertaking that he shall not involve in any offence in future which may lead to the seizure of the vehicle in question and shall not alienate/encumber or alter the vehicle in question till the disposal of the case.
4. On receipt of vehicle, the petitioner shall take photos in four clear angles pertaining to the vehicle in question on his own cost and submit the photos along with negative or C.D. (in case of digital photo taken) before the said Judicial Magistrate on the day itself.
5. After successful compliance of conditions 1 to 4 by the petitioner, the learned Magistrate is directed to release the vehicle in question forthwith.
6. The petitioner shall produce the vehicle on 1st working day of every English Calender month before the said Judicial Magistrate and shall produce the vehicle as and when required during the trial, failing which the conditions confiscation of vehicle proceedings will be initiated.
7. The petitioner shall co-operate to the investigation.

Pronounced by me in the open Court, this the 30th day of April 2026.


Principal Sessions Judge,
Dindigul.



➤ 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, Oddanchatram
The Public Prosecutor, Dindigul.
The Inspector of Police, Kallimandayam P.S.
Thiru. L.Kathiravan Advocate
for the petitioner.

They are requested to download the order from
the above official web site link.