

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE B. RAJENDRAN

CRL. RC. No.356 of 2015

Visubaram

...Petitioner

Versus

State rep.by
The Inspector of Police
N-3, Muthialpet Police Station
Chennai.

...Respondent

Criminal Revision Case filed under Sections 397 read with 401 of the Criminal Procedure Code to set aside the order dated 10.03.2015 passed in Crl.M.P.No.433 of 2015 in Crime No.547 of 2014 on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai.

For Petitioner : Mr.RM.Meenakshi Sundaram

For Respondent : Mr.R.Pratap Kumar
Government Advocate
(Criminal side)

ORDER

This revision has been filed challenging the dismissal order passed by the learned XVI Metropolitan Magistrate, George Town, Chennai dated 10.03.2015 passed in Crl.M.P.No.433 of 2015 in Crime No.547 of 2014 in rejecting the petition filed by the petitioner seeking return of his property.

2. The case of the petitioner is that he is the owner of the vehicle, viz., Eicher, Medium Goods Vehicle bearing Regn.No.TN-01-AL-1094 seized by the respondent in Crime No.547 of 2014 for the offences punishable under Sections 35-B and 36-A of the Tamil Nadu Forest Act 1882 and Rule 9 of the Tamil Nadu Transit Rule, 1996 and he has been falsely implicated in this case along with the other

accused.

3. The only ground raised by the petitioner before this Court is that if the seized vehicle is exposed to sunlight and rain by the respondent-police, the same will get deteriorated and it will be of no use to the petitioner. He would further submit that the vehicle is very much essential for his day to day affair. Accordingly, he would pray for return of the vehicle by setting aside the order passed by the Court below.

4. I have heard the learned counsel for the petitioner and perused the materials available on record.

5. From a perusal of the impugned order, it is seen that the vehicle of the petitioner was seized; however there is a likelihood of its confiscation as it had transported red sanders to the huge extent of 318 kgs. Therefore, the question of returning the vehicle at this stage does not arise. If at all the petitioner is aggrieved, he can only challenge the order of confiscation.

6. In view of the same, I do not see any valid reason to interfere with the reasoned order passed by the Court below. Accordingly, this Criminal Revision Case fails and the same is dismissed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vj2

To

1. XVI Metropolitan Magistrate,
George Town, Chennai.

2. -Do- Through The Chief Metropolitan Magistrate,
Chennai.

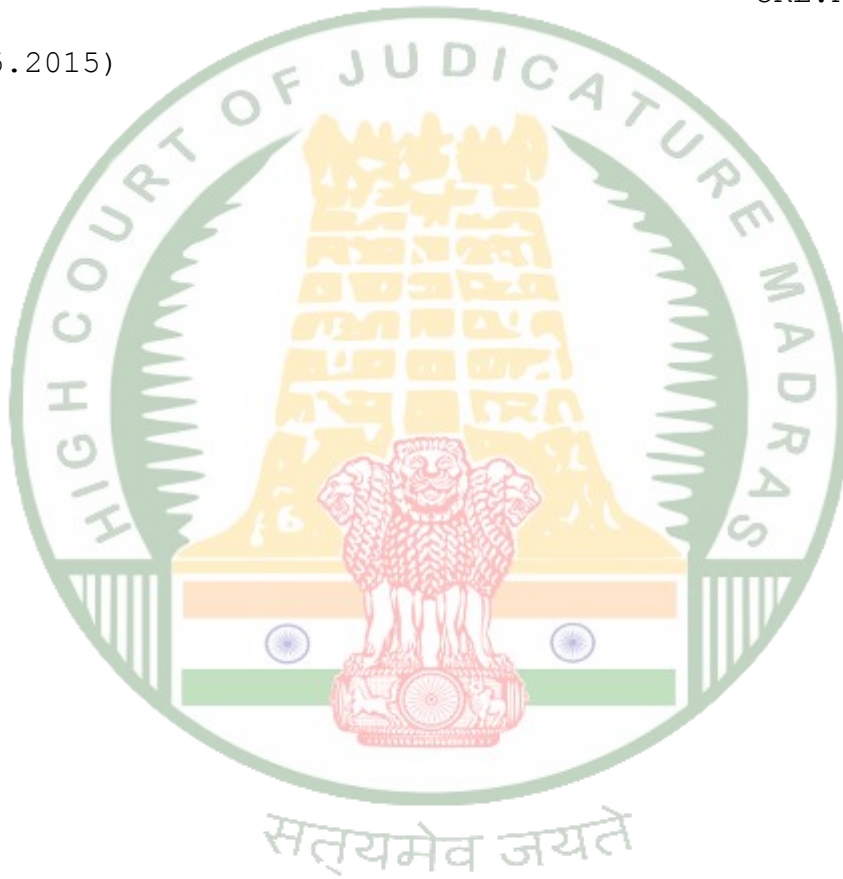
3. The Inspector of Police,
N-3 Muthialpet Police Station,
Chennai.

4. The Public Prosecutor,
Madras.

1 CC to Mr.RM.Meenakshi Sundaram, Advocate SR.No. 22036

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KK (CO)
PSI (11.05.2015)



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