

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Crl.Revision Case No.820 of 2015

Sivakumar

.. Petitioner

Versus

The Inspector of Police
Dusi Police Station
Thiruvannamalai District.

.. Respondent

Revision Petition filed under Section 397 read with Sec. 401 of Cr.P.C. against the Order dated 10.06.2015 passed by the learned Judicial Magistrate, Cheyyar in C.M.P.No.2226 of 2015.

For Petitioner : Mr.G.Punniyakotti

For Respondent : Mr.V.Arul
Government Advocate
(Criminal side)

ORDER

The petitioner has filed the above Criminal Revision Petition challenging the order of dismissal dated 10.06.2015 passed by the learned Judicial Magistrate, Cheyyar in C.M.P.No.2226 of 2015 in dismissing the petition filed under Sections 451 and 457 of the Criminal Procedure Code for return of property, viz., Ashok Leyland Tipper Lorry bearing Registration No.TN-21-L-2772.

2. The case of the petitioner in brief is as follows:

According to the petitioner, he is the owner of the alleged lorry seized by the respondent police, which was involved in the alleged offence of theft of sand in the river bed. Hence, he filed a petition before the Court below for return of his property. However, the same was dismissed. Hence the present revision.

3. Heard both sides.

4. Learned counsel for the petitioner would submit that the petitioner is only the owner of the vehicle and he has nothing to do with the alleged offence. Further he would submit that the petitioner is willing to abide by any condition to be imposed by this Court for return of his vehicle.

5. Learned Government Advocate (Criminal side) would submit that the vehicle was earlier involved in a similar offence and the Court concerned directed the petitioner to produce the lorry on the first

working day of every month vide order dated 22.04.2014 in Crl.M.P.No.2367 of 2014. However, the petitioner did not comply with the said condition. Further, it was also directed in the earlier case that the petitioner shall not use the vehicle for similar offence. However, the petitioner has committed the theft of sand for the second time. Accordingly, he would pray for the dismissal of the criminal revision case.

6. On a perusal of the order, it is seen that the Court below had rejected the application only on the ground that the petitioner has used the vehicle for theft of sand for the second time by breaching the conditions imposed by the Court on an earlier occasion. Further, the petitioner has also not complied with the directions imposed by the Court earlier. Therefore, the order passed by the Court below in rejecting the application for return of the vehicle, is fair and reasonable and I do not find any reason to interfere with the same.

7. Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

vj2

To

1. The Judicial Magistrate, Cheyyar

2. The Public Prosecutor, Madras.

3. The Inspector of Police

Dusi Police Station

Thiruvannamalai District.

Crl.R.C. No.820 of 2015

mp (co)

pmk.20.8.2015

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