



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.R.C. (MD) No.150 of 2018

Muniaraj

: Petitioner

VS.

State through represented by
The Sub-Inspector of Police,
Ammapatti Police Station,
Ammapatti,
Virudhunagar District.
(Crime No.31 of 2016).

: Respondent

Prayer: Criminal Revision Case is filed under Section 397 r/w 401 Cr.P.C., to call for the entire records pertaining to the order passed by the learned Judicial Magistrate No.II, Sattur, in Cr.M.P.No.6228 of 2017, dated 20.12.2017 and set aside the same by allowing this revision.

For Petitioner : Mr.M.Kannan

For Respondent : Mrs.S.Bharathi,

Government Advocate (Crl.side)

O R D E R

On the complaint lodged by the Special Sub-Inspector of Police, Ammapatti Police Station, a case in Crime No.31 of 2016 was registered on 31.03.2016 under Section 379 IPC r/w 21(1) of Mines and Minerals Act against Subburaj and others for illegal theft of sand by Tractor bearing Registration No.TN 67 H 3024. But, however, the Registration Number in the Tractor was not available. However, the police have recorded the Chassis Number 431370 and the Engine Number as - S 33739945. The petitioner filed Cr.M.P.No.6417 of 2016 under Section 451 of the Code of Criminal Procedure before the learned Judicial Magistrate No.II, Sattur and the same was dismissed on 30.11.2016 on the ground that the said vehicle is involved in Crime No.73 of 2014 and Crime No.56 of 2015 earlier. However, the petitioner did not seek to challenge the order dated 30.11.2016 and has, instead, filed a second application in Cr.M.P.No.6228 of 2017 under Section 451 of the Code of Criminal Procedure, which has been dismissed by the Trial Court on 20.12.2017, aggrieved by which, this revision has been filed.



2. Heard Mr.M.Kannan, learned counsel for the petitioner and Mrs.S.Bharathi, learned Government Advocate (Criminal side) for the respondent.

3. Today, Mr.M.Ganesamoorthy, Special Sub-Inspector of Police, Ammapatti Police Station, Virudhunagar District, is present.

4.Mr.M.Kannan, learned counsel for the petitioner submitted that the petitioner had taken a stand that the number plate has been removed by the police. If that is so, it is a disputed question of fact, which cannot be determined in a revision application and could be determined only during trial. In such view of the matter, this Court is of the view that this is not a fit case to grant interim custody of the tractor to the petitioner. Hence, this revision is devoid of merits and accordingly, the same is dismissed.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Sattur.
2. The Sub-Inspector of Police,
Ammapatti Police Station,
Ammapatti,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.KANNAN, ADVOCATE IN SR No. 59365

SML

TE/JC/SAR-4 : 20/04/2018 : 2P/5C

Order made in
Crl.R.C.(MD)No.150 of 2018
Dated: 28.03.2018