



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **02.03.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH**
Crl.R.C. (MD)No.46 of 2018

WEB COPY

Chelladurai

: PetitionerAccused No.2

Vs.

State rep. by
The Inspector of Police,
Valliyoore Police Station,
Tirunelveli District.
In Crime No.400 of 2017.

: Respondent/Complainant

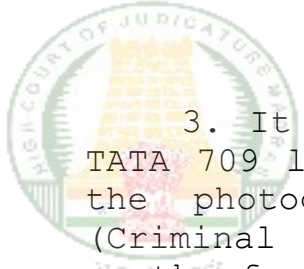
PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for the records relating to the order passed by the learned Judicial Magistrate, Valliyoore, in Crl.M.P.No.6365 of 2017 in Crime No.400 of 2017, dated 04.12.2017, set aside the same and allow this revision petition.

For Petitioner : Mr.D.Venkatesh
For Respondent : Mrs.S.Bharathi,
Government Advocate (Crl.side)

ORDER

The Sub-Inspector of Police, Valliyoore Police Station registered a case in Crime No.400 of 2017 on 25.10.2017 under Section 379 of the Indian Penal Code against Johnson (A-1), Chelladurai (A-2), Thangaraja (A-3) and Sivakutti (A-4) on the allegation that they were illegally transporting sand from Nambi river by a sandal colour TATA 709 lorry, which did not have registration number either on the front side or on the back side. When the police party intercepted the vehicle, the accused abandoned the vehicle and fled. The vehicle with the sand was brought to the Police Station and the sand has been entrusted to the Public Works Department. The police were able to arrest only Thangaraja (A-3) and the other accused obtained anticipatory bail and, therefore, the police were not able to arrest them. While so, the petitioner filed Cr.M.P.No.6365 of 2017 in Valliyoore Police Station Crime No.400 of 2017 under Section 451 Cr.P.C. for return of the lorry and the same has been dismissed by the learned Magistrate by the impugned order dated 04.12.2017, aggrieved by which, this revision has been filed.

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



3. It is the specific case of the petitioner that the seized TATA 709 lorry has the registration number TN-74-W-2817. However, the photographs produced by the learned Government Advocate (Criminal side) show that there is no registration number either on the front side or on the back side of the vehicle. The learned Government Advocate (Criminal side) submitted that the same vehicle was involved in Valliyoor Police Station Crime No.279 of 2017 that was registered on 23.08.2017.

4. On a reading of the First Information Report in Crime No.279 of 2017, it is seen that on 23.08.2017, the police party noticed a TATA 709 vehicle bearing registration No.TN-74-W-2817 carrying sand. The police party intercepted the vehicle and found that the accused were one Kannan [Manal Kannan] and Rajadurai. The vehicle was produced before the learned Judicial Magistrate, Valliyoor. This petitioner filed an application under Section 451 Cr.P.C., before the learned Judicial Magistrate, Valliyoor and took custody of the vehicle after executing a bond and undertaking that the vehicle will not be involved in any other offence. After having taken custody of the vehicle, the petitioner has removed the number plates and was transporting sand, pursuant to which, the vehicle has been seized in Crime No.400 of 2017 on 25.10.2017. In such view of the matter, when the petitioner violated the bond conditions and has used the same vehicle for transporting sand, further custody of the vehicle cannot be given to the petitioner.

5. In the result, this Criminal Revision Case is devoid of merits and accordingly, the same is dismissed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Valliyoor.
2. The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SML

VB/JC/SAR4/15/03/2018/2P/4C