



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 17.04.2018
DELIVERED ON : 21.06.2018

WEB COPY

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD) No.58 of 2018

Murugan

.. Petitioner / Accused

Vs.

State: represented by
Sub Inspector of Police,
Kadupatti.

Crime No.377/2017

.. Respondent/Complainant

Prayer : This revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records in the order passed by the Judicial Magistrate, Vadipatti in Crl.M.P.No.160 of 2018, dated 19.01.2018 and set aside the same and grant interim custody of the vehicle Tipper Lorry bearing Registration No.TN 58 AA 2050 to the petitioner.

For Petitioner : Mrs.S.Prabha

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate

ORDER

Heard Mrs.S.Prabha, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate appearing for the respondent.

2.This revision case has been filed against the order passed by the learned Judicial Magistrate, Vadipatti, in Crl.M.P.No.160 of 2018, dated 19.01.2018, dismissing the petition under Section 451 of Cr.P.C. for returning of Tipper Lorry bearing Registration No.58 AA 2050.

3.The case of the prosecution is that the respondent police has registered a case in Crime No.377 of 2017 under Sections 379, 353, 307 I.P.C. r/w. 21(v) of Tamil Nadu Mines and Minerals Regulation Act, 1957 and that the Tipper Lorry was seized by the police are being used in commission of offence of sand theft and that the petition filed before the Judicial Magistrate, Vadipatti, for returning the property, was dismissed on 19.01.2018.

4.On the side of the petitioner, it is stated that if the Tipper Lorry is in the custody of the police, the value of the vehicle will be deteriorated, since the vehicle was parked in the



open place of the police station subjected to sunlight and raining. It is further stated that the petitioner is the owner of the property and the Hon'ble Supreme Court held that the property involved in criminal offences cannot be kept ideal for more than 15 days. It is stated that two vehicles are seized by the police under the same Crime No, and the petition filed by the petitioner was dismissed on the ground that the petitioner is having previous cases also. There cannot be any such stigma with relating to a vehicle and only with the motive, the police filed false case against the petitioner. There is no dispute regarding the ownership of the vehicle and prayed the vehicle to be returned to the petitioner.

5. On the side of the respondent, it is stated that two vehicles involved in sand theft and a case was registered in Crime No.377 of 2017 under Sections 379, 353, 307 I.P.C. r/w. 21(v) of Tamil Nadu Mines and Minerals Regulation Act, 1957. It is further stated that the petitioner involved in similar kind of offences and previous cases in Kadupatti Police Station in Crime Nos.94/2014, 186/2016, 271/2016, 203/2017 and 272/2017 are filed against the petitioner and it is stated that if the vehicle is returned back to the petitioner, he will again indulge in similar type of offence.

6. Records Perused.

7. The petitioner has not filed any documentary proof that he is the owner of the vehicle. Moreover, the petitioner has not denied the fact that previous cases of similar nature were filed against him. As per the version of the respondent, investigation is still pending. In this circumstances, there is no sufficient reason to interfere with the order of the lower Court. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(P&A)

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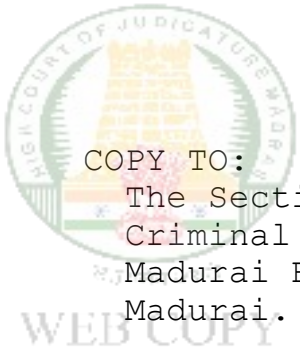
Sub Assistant Registrar

To

1. The Judicial Magistrate,
Vadipatti.

2. The Sub Inspector of Police,
Kadupatti.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,



COPY TO:
The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

Cr1. R.C. (MD) No.58 of 2018
21.06.2018

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JM/KKR/SAR 4/04.07.2018/3P/6C