



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 08.06.2018

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.276 of 2018

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.. Petitioner/Petitioner

Vs.

State,
Rep. By the Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.
(Crime No.85/2018)

.. Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records of the learned Judicial Magistrate No.II, Sattur in Cr.M.P.No.2338 of 2018 dated 24.05.2018 and to set aside the same and further direct the learned Judicial Magistrate No.II, Sattur to grant interim custody of Tipper Lorry bearing Registration No.TN-67-BF-2670 to the petitioner.

For Petitioner: Mr.P.Saravanakumar

For Respondent: Mr.K.Suyambu Linga Bharathi,
Government Advocate (Crl. Side)

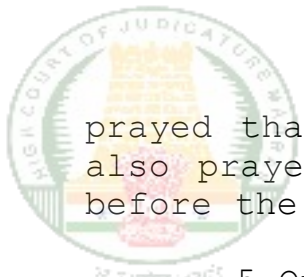
ORDER

Heard Mr.P.Saravanakumar, learned counsel appearing for the petitioner and Mr.K.Suyambu Linga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent.

2.This revision has been filed to set aside the order passed in Cr.M.P.No.2338 of 2018 dated 24.05.2018 on the file of the learned Judicial Magistrate No.II, Sattur and further direct the learned Judicial Magistrate No.II, Sattur to grant interim custody of Tipper Lorry bearing Registration No.TN-67-BF-2670 to the petitioner.

3.The case of the petitioner is that Tipper lorry was seized by the respondent police from the petitioner for illegally transporting river sand near the northern side of the O.Mettupatti Village. The petitioner is being the owner of the lorry, filed a petition under Sections 451 and 457 of Cr.P.C., in Cr.M.P.No.2338 of 2018 before the learned Judicial Magistrate No.II, Sattur and the same was dismissed on 24.05.2018.

4.On the side of the petitioner, it is stated that petitioner's vehicle is not at all involved in any offence and the same has been kept in the police station and if it is unused, the same will be put to great loss and hardship to the petitioner and



prayed that the order of the lower Court is to be set aside and also prayed for directing the respondent to produce the property before the Court and for return the same to the petitioner.

5. On the side of the respondent, it is stated that the vehicle was continuously used for committing sand theft from the past two months to the date of occurrence. The same vehicle was involved in Crime No.94 of 2018 on the file of the Sattur Police Station for a similar offence that was committed on 10.02.2018. It is stated that RDO proceedings is pending against the vehicle and the vehicle was produced before the Revenue Divisional Officer. If the property is returned to the petitioner, he will again commit the same offence.

6. On the side of the petitioner, it is stated that the earlier case is against the Driver not against the petitioner and the RDO proceedings is different and it would not affect the right of the petitioner for returning of the property.

7. Records perused. The property was produced before the lower Court and was remanded in P.R.No.313 of 2018 before the lower Court. It is clear that the vehicle is being involved in the similar offence, the offence is serious in nature. If the vehicle is returned to the petitioner, the same vehicle may be used to commit the similar offence.

8. In the circumstances, this Court is not inclined to release the vehicle to the petitioner. This Criminal Revision Petition is dismissed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

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

MRN

VB/SV/MMS/SAR4/02.07.2018/2P/4C