



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.06.2018

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.R.C. (MD) No.314 of 2018

Aathilingam ... Petitioner/Petitioner

Vs.

The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District,
Crime No.1 of 2018. ... Respondent/Respondent

PRAYER: Criminal Revision Petition is filed under Section 397 and 401 of Cr.P.C., to set aside the order passed by the learned District Munsif-cum-Judicial Magistrate, Vilathikulam dated 03.04.2018 in Crl.M.P.No.1544 of 2018 and allow the petition.

For Petitioner : Mr.M.Prabhu

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

ORDER

This Revision Petition is filed against the order passed by the learned District Munsif-cum-Judicial Magistrate, Vilathikulam dated 03.04.2018 in Crl.M.P.No.1544 of 2018.

2. The petitioner has filed a petition for return of his JCB bearing registration No.TN 70 L 1139. The vehicle was seized by the respondent police on 15.02.2018 for alleged offence of committing theft of river sand near Vaipar River and the same has been remanded to judicial custody on 15.02.2018 in P.R.No.11 of 2018 in Crime No.1 of 2018. Therefore, the petitioner has filed the petition, before the learned Judicial Magistrate, Vilathikulam, under Sections 451 (1) and 457 of Cr.P.C., for return of property, and the same was dismissed.

3. Heard Mr.M.Prabhu, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate(Criminal Side) appearing for the respondent.

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4. On the side of the petitioner, it is stated that the



petitioner purchased the vehicle very recently and he is the owner of the vehicle and the lower Court failed to consider that the petitioner is in possession of the original R.C. Book, and he is ready to co-operate with the investigation.

5. On the side of the respondent, it is stated that the same vehicle was involved in another offence in Crime No.211 of 2018 and this JCB vehicle along with two lorries were seized by the respondent police for theft of river sand. The petitioner's vehicle is used only for the purpose of taking river sand. If the petitioner's vehicle is released, the vehicle may be used for taking river sand, hence the learned Government Advocate(Criminal Side), vehemently opposed to return of the vehicle to the petitioner.

6. The JCB vehicle and two lorries were seized by the respondent police. It is stated that the vehicle was already involved in another case in Crime No.211 of 2018, sand of the theft. It seems that the vehicle is used for sand theft in a routine manner. The petitioner is an accused, in this case.

7. Considering the facts and circumstances of the case, this Court is not inclined to entertain the revision petition. Hence the Criminal Revision Petition is dismissed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif-cum-Judicial Magistrate, Vilathikulam.
2. The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

sjj

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