

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 04.02.2019

Coram:
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.No.185 of 2019

Ganesan

.. Petitioner

/versus/

State rep.by
Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.
Crime No.335/2018

.. Respondent

Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C. praying to direct the Judicial Magistrate, Pennagaram to take the Crl.M.P.SR.No.3811 of 2018 and dispose the same according to law.

For Petitioner :Mr.T.Pappaiah Dharmarajan

For Respondent :Mr.Arulmozhimaran, GA

O R D E R

This petition has been filed praying to direct the Judicial Magistrate, Pennagaram to take the Crl.M.P.SR.No.3811 of 2018 and dispose the same according to law.

2. The learned counsel appearing for the petitioner would submit that the vehicle which was involved in theft of river sand was seized by the respondent police and the First Information Report was registered under Section 379 of IPC. Therefore, submitted as a matter of right, he is entitled for get back the property as per the judgment rendered by this Court in Crl.R.C.No.1369 of 2018 dated 17.12.2018.

3. Whereas the learned Government Advocate representing the State would submit that though the First Information Report was registered for offence under Section 379 of IPC, since the offence involved violation of Mines and Minerals Act, prosecution is contemplating to invoke the provisions of Mines and Minerals Act and initiate confiscation proceedings.

4. In the light of the above fact, this Court is of the opinion the order of the learned Magistrate to approach the

appropriate forum for remedy is well within the law. Hence, the Criminal Revision Case is dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bsm

To

1.The Judicial Magistrate,
Pennagaram.

2.Do -Thro' The Chief Judicial Magistrate,
Dharmapuri District.

3.The Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.

4.The Public Prosecutor,
High Court, Madras - 104.

5.The Section Officer,
Criminal Section,
High Court, Madras - 104.

+1cc to Mr. M.Selvam, Advocate, S.R.No.9591

Cr1.R.C.No.185 of 2019

KK(CO)

rrs 27/02/2019

सत्यमेव जयते
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