

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.268 of 2019

Kalaiyarasi

...Petitioner/Accused

Vs.

State: rep. by
The Station House Officer,
Chidambaram Taluk Police Station,
Crime No.120 of 2018

...Respondent/Respondent

Prayer: The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure to set aside the order passed in Crl.M.P.No.508 of 2019 in Crime No.120 of 2018 by the learned Judicial Magistrate-II, Chidambaram dated 04.02.2019 and direct the respondent to release the vehicle bearing registration No.TN 28 AR 9676 Multi Axle Goods Vehicle (Taras Lorry) to this petitioner.

For Petitioner : Mr.R.Silambarasan

For Respondent : Mr.R.Suryaprakash

Government Advocate (Crl.Side)

O R D E R

The above Criminal Revision Case has been filed to set aside the order passed in Crl.M.P.No.508 of 2019 in Crime No.120 of 2018 by the learned Judicial Magistrate-II, Chidambaram, dated 04.02.2019 and direct the respondent to release the vehicle bearing registration No.TN 28 AR 9676.

2. The respondent police has registered a case against the revision petitioner for offence under Sections 379 and 430 IPC and Section 2(1) Mines and Minerals (Development and Regulation Act) for carrying and keeping the possession of 5 units of sand. During the routine vehicle check up, the respondent police seized the vehicle bearing registration No. TN 28 AR 9676 and produced before the Court. The petitioner herein filed a petition before the learned Judicial Magistrate-II, Chidambaram and the same was taken on file in Crl.M.P.No.508 of 2019. After hearing of both sides, dismissed the petition on the ground that

the vehicle was seized under the Mines and Minerals Act. Challenging the order passed by the learned Magistrate, the petitioner has preferred the present revision before this Court.

3. The main contention raised by the learned counsel for the revision petitioner is that due to non usage of the vehicle for a long time, the parts of the vehicle could get rusted and hence, to conserve the vehicle, the petitioner sought for interim custody of the vehicle and he undertakes to produce the vehicle during the trial before the Court. Therefore, the learned counsel prays to set aside the order passed by the learned Magistrate.

4. The learned Government Advocate (Crl. side) would submit that the petitioner is the owner of the vehicle and the vehicle is involved possessing of sand illegally, cannot be granted any relief and the learned Magistrate has rightly dismissed the claim of the petitioner, which does not warrant any interference.

5. Heard the learned counsel appearing for the revision petitioner as well as the learned Government Advocate and perused the materials available on record.

6. From the materials and pleadings as disclosed in the revision case, the vehicle was involved to carry and keep the possession of the sand without any license and the learned Government Advocate submitted that the respondent police has rightly seized the vehicle for the said offence. Considering the allegations levelled in this case if the offence is proved the the vehicle involved in this case is liable to be confiscated. Therefore, the learned Magistrate thought fit not to entertain the present petition for return of the vehicle and there is a prima facie case against the revision petitioner. Considering the nature of the allegation, there is no perversity in the order passed by the trial Court and there is no merit in this revision.

7. In the result, this criminal revision is dismissed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

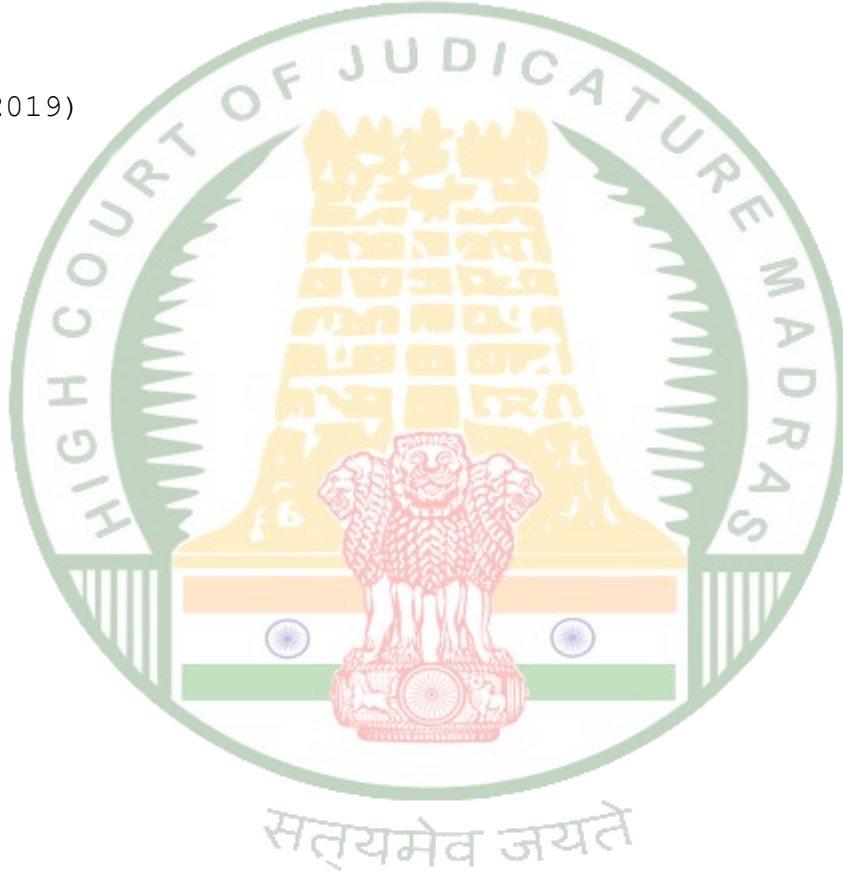
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To

1. The Judicial Magistrate-II, Chidambaram.
2. The Station House Officer,
Chidambaram Taluk Police Station,
Chidambaram.
3. The Public Prosecutor,
High Court , Madras

CrI.R.C.No.268 of 2019

SSV(CO)
SP(03/04/2019)



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