

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.R.C.No.249 of 2019

Vinoth @ Vinoth Kumar

... Petitioner

-Vs-

The state rep. by
The Sub Inspector of Police,
Ambur Taluk Police Station,
Ambur,
Vellore District.

... Respondent

This Criminal Revision case is filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order dated 19.11.2018 passed by the Additional District Munsif Cum Judicial Magistrate, Ambur, Vellore District in C.M.P.No.2938 of 2018 in Crime No.336 of 2018 pending on the file of the respondent police and further direct the respondent to release the vehicle bearing its registration number TN-23: BX-1541 that was seized under the above crime number.

For Petitioner : Mr.S.P.Arthi

For Respondent : Mr.R.Ravichandran
Government Advocate (Cr1.Side)

O R D E R

This criminal revision has been filed against the order of dismissal dated 19.11.2018 made in C.M.P.No.2938 of 2018 in Crime No.336 of 2018 by the learned Additional District Munsif Cum Judicial Magistrate, Ambur, Vellore District. The said C.M.P was filed seeking interim custody of Tipper Lorry seized by the respondent Police.

2 The revision petitioner's tipper lorry bearing Registration No.TN-23-BX-1541 was seized by the respondent police in Crime No.336 of 2018 under Sections 379, 430, 353 and 506 (i) of IPC. During the investigation, the petitioner filed

a miscellaneous petition in C.M.P.No.2938 of 2018 under Sections 451 & 457 of Cr.P.C., on the file of the learned Judicial Magistrate, Ambur, Vellore District seeking interim custody of the case property namely Tipper Lorry. The learned Magistrate, dismissed the petition by an order dated 19.11.2018, against which, the petitioner has preferred the present criminal revision case.

3 The learned counsel for the petitioner would submit that the investigation was completed and charge sheet has been laid. He further submitted that without income from the lorry he could not maintain his family. The said fact has not been considered by the learned Magistrate and had erroneously dismissed the petition, which warrants interference.

4 The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the investigation has not been completed. He further submitted that the vehicle was involved in the illegal transportation of the mines and minerals. Therefore, he is not entitled for getting interim custody. Hence the learned Magistrate has rightly dismissed the petition seeking interim custody, which does not call for any interference.

5 Heard the learned counsel appearing on either side and perused the materials available on record.

6 The learned Magistrate has given a valid reason for dismissing the petition filed under Section 451 and 457 of Cr.P.C seeking interim custody of property i.e, tipper lorry, which could not be returned pending investigation and charge sheet is yet to be filed. Under these circumstances, the petitioner is not entitled for interim custody of the vehicle. Hence, this Court does not find any infirmity in the impugned order calling for interference and the criminal revision case has no merit and substance and the same is dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dh

To

1. The Additional District Munsif
Cum Judicial Magistrate, Ambur,
Vellore District.

2. The Sub Inspector of Police,
Ambur Taluk Police Station,
Ambur, Vellore District.

+1 cc to M/s.S.P.Arthi, Advocate Sr.No.15324

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VSN-II (CO)
CSL/01.04.2019



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