

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.280 of 2019

Susai Manickam

...Petitioner/Petitioner/
Accused No.2

Vs.

State: rep. by its
Inspector of Police,
C-2, Sunguvarchathram Police Station,
Kancheepuram District.
Crime No.346 of 2018

...Respondent/Respondent/
Complainant

Prayer:- The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure to set aside the order made in C.M.P.No.4438 of 2018 dated 20.02.2019 on the file of the learned District Munsif cum Judicial Magistrate at Sriperumbudur and to return the vehicle Lorry bearing registration No.TN 18 AB 1099, Engine No.B591803241E63376617 and Chassis No.MAT448137E10816 to the petitioner herein.

For Petitioner : Mr.B.Gopinath

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 in C.M.P.No.4438 of 2018 dated 20.02.2019 on the file of the learned District Munsif cum Judicial Magistrate at Sriperumbudur and to return the vehicle Lorry bearing registration No.TN 18 AB 1099 to the petitioner herein.

2. The respondent police has registered a case against the revision petitioner for the offence under Sections 379, 430 IPC read with Section 3(1) of TNPPDL Act for transporting five units

of sand without any license. During the routine vehicle check up, the respondent police seized the vehicle bearing registration No. TN 18 AB 1099 and produced before the Court. The petitioner herein filed a petition before the learned District Munsif cum Judicial Magistrate at Sriperumbudur and the same was taken on file in C.M.P.No.4438 of 2018. After hearing both sides, the learned Judge dismissed the petition. Challenging the order passed by the learned District Munsif cum Judicial 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 District Munsif cum Judicial 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. Considering the seriousness of the offences, the vehicle was involved in 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 offences. Considering the allegations levelled in this case if the offence is proved 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.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

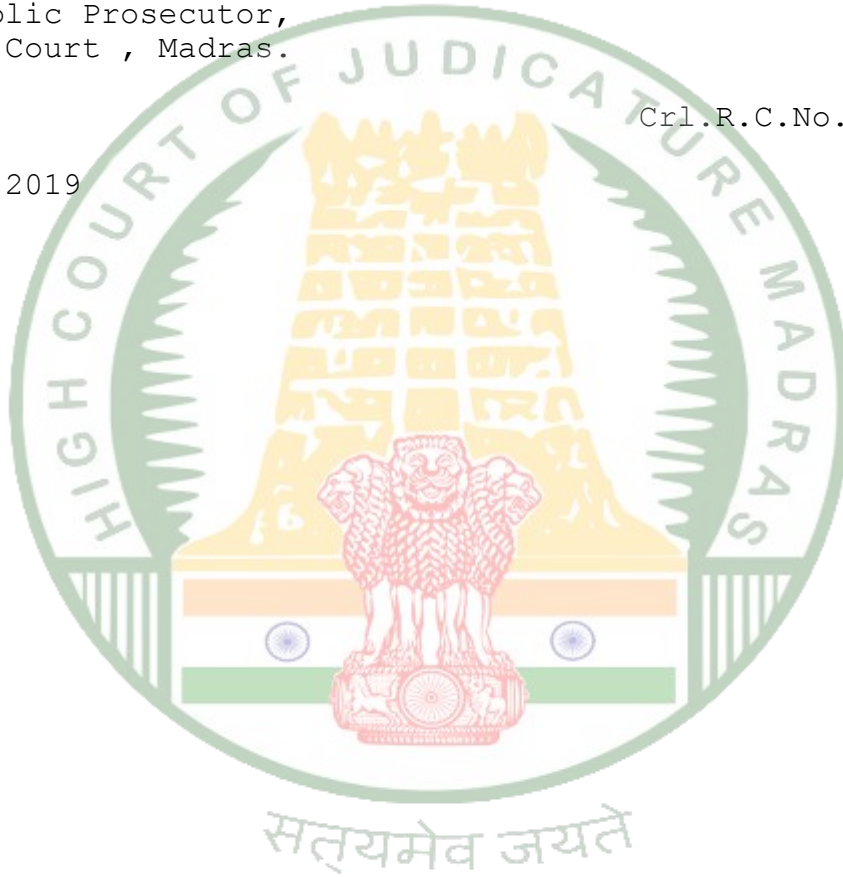
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To

- 1.The District Munsif cum Judicial Magistrate,
Sriperumbudur.
- 2.The Inspector of Police,
C-2, Sunguvarchathram Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court , Madras.

SSV(CO)
CSL/05.04.2019

Cr1.R.C.No.280 of 2019



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