

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.281 of 2019

Arjunan

...Petitioner

Vs.

State: rep. by its
Inspector of Police,
C-2, Sunguvarchathram Police Station,
Kancheepuram District.
Crime No.347 of 2018

...Respondent

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.4435 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 73 D 3592, Engine No.21D6320120 and Chassis No.MAT448109C3B10477 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.4435 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 73 AB 3592 to the petitioner herein.

2. The respondent police has registered a case against the revision petitioner for the offence under Sections 379 and 430 IPC read with Section 3(1) of TNPPDL Act for transporting six units of sand without any license. During the routine vehicle check up, the respondent police seized the vehicle bearing registration No. TN 73 D 3592 and produced before the Court. The revision petitioner herein has 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.4435 of 2018. After hearing both sides, the learned Judge dismissed the petition. Challenging the order of 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-VI)

//True Copy//

Sub Assistant Registrar

rli

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.

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JP (CO)
SSM(09/04/2019)



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