

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.323 of 2019

Ragothaman

...Petitioner

-Vs-

State rep. by
The Inspector of Police,
Arni Taluk Police Station,
Arni, Tiruvannamalai District.
(Cr.No.657 of 2018)

...Respondent

Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order dated 22.02.2019 in Crl.M.P.No.607 of 2019 on the file of the learned Judicial Magistrate, Arni and to direct the respondent police to release the petitioner's vehicle Mahindra Tractor bearing Registration No.TN 25-BY-7583 along with unregistered trailer seized by the respondent in Cr.No.657/2018.

For Petitioner : Mr.S.L.Venkatesan

Respondent : Mr.R.Ravichandran,
Government Advocate (Crl.Side)

O R D E R

The respondent police registered a case in Cr.No.657 of 2018 against one Karunakaran for the offence under Section 379, 430 of IPC and 21(1) of Mine and Minerals Act for illegal transportation of sand. The petitioner has filed a petition under Section 451 of Cr.P.C. seeking return of vehicle, stating that he is the owner of the vehicle and he never used the vehicle for illegal purpose and the respondent police foisted false case against the petitioner's driver. The learned Magistrate dismissed the petition on the ground that investigation is pending.

2 According to the learned counsel appearing for the petitioner, the petitioner is an agriculturist and he used the vehicle only for agricultural purpose and not for any illegal transportation of sand as stated by the prosecution. Hence, he seeks return of vehicle.

3 The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that investigation has

not yet completed and charge sheet has also not filed and hence the vehicle in question cannot be released at this stage.

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

5 It is seen that in the present case, investigation is pending and charge sheet not yet filed. Under these circumstances, if the vehicle is released, there would be a possibility for changing the Engine and Chassis Numbers, which would defeat the entire case of the prosecution. Hence this Court is not inclined to entertain the present criminal revision case. However, it is always open to the petitioner to avail his remedy before appropriate forum, after filing of charge sheet by the respondent police, if he deserves. The respondent police is directed to expedite the investigation and file a charge sheet within a reasonable period of time.

6 With the above observations, this criminal revision case is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate, Arni.
2. The Inspector of Police, Arni Taluk Police Station, Arni, Tiruvannamalai District.
3. The Public Prosecutor, High Court of Madras.

Copy to:

The Section Officer,
Criminal Section,
High Court, Madras.

Cr1.R.C.No.323 of 2019

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