

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 16.09.2019

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.653 of 2019

Murugan .. Petitioner/ Petitioner

Vs

1. State represented by
The Inspector of Police,
Anaicut Police Station,
Kancheepuram District.
(Crime No.97 of 2019) .. Respondent/ Respondent

Prayer:- This Criminal Revision Petition filed under sections 397 & 401 of Cr.P.C., to set aside the 21.06.2019 passed in C.M.P.No.4259 of 2019 on the file of Judicial Magistrate, Maduranthakam and to direct the respondent to return the vehicle viz, Honda CB Shine Front Drum BS3 bearing Registration No.TN 19 AZ 0469 to the petitioner.

For Petitioner : Mr.R.Ragavendran

For Respondent : Mr.M.Mohamed Riyaz, APP

ORDER

The above Criminal Revision Case has been filed seeking to set aside the order dated 21.06.2019 passed in CMP.No.4259 of 2019 on the file of Judicial Magistrate, Madurantakam, dismissing the petition seeking to return the vehicle to the petitioner.

2 Heard both sides.

3. The petitioner is the owner of the two wheeler Honda CB Shine Front Drum BS3 bearing Registration No.TN 19 AZ 0469. It was found that the said vehicle was used to transport sand illegally. The vehicle was seized in Crime No.97 of 2019 by the respondent under Section 379 & 430 of IPC r/w Section 21(1) of Mines and Minerals (Regulation and Development) Act, 1957.

4. The petitioner had filed the petition in CMP.No.4259 of 2019 under Section 451 Cr.P.C seeking return of vehicle before the learned Judicial Magistrate, Madurantakam and the same was dismissed by an order dated 21.06.2019, taking into consideration the facts and circumstances of the case and the gravity of the offence the alleged vehicle had been involved in illegal river sand mining which is against the provisions of the Environment Protection Act, 1986 and is against public policy and that if the vehicle is returned it will be used

for illegal activity. Against the order of dismissal the present petition has been filed.

5. When the matter is taken up today, the learned Additional Public Prosecutor submitted that by order dated 29.10.2018 in WP. (MD)Nos.19936 of 2017, 7595 and 21485 of 2018, the Hon'ble Madurai Bench of Madras High Court passed an order dated 29.10.2018 in para 13, XVI it has been stated that "any application for release of vehicle etc., can only be filed before the Special Court above".

6. The learned Additional Public Prosecutor further submitted that pursuant to the order, the Government of Tamilnadu vide G.O.Ms.No.298 Home (Courts-II) Department dated 13.06.2019 had designated District Courts in each Judicial District as Special Courts and that the petitioner can be directed to approach the concerned Special Court seeking release of the vehicle and the Special Court may be directed to consider the application on merits.

7. In view of the above, liberty is granted to the petitioner to approach the Special Court seeking for return of vehicle and the said Special Court shall pass orders on merits and in accordance with law.

8. In the result, this Criminal Revision Case Petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

drl

To:

1.The Judicial Magistrate,Mauranthakam

2. The Inspector of Police,
Anaicut Police Station,
Kancheepuram District.

3.The Public Prosecutor,
High Court, Chennai.

Copy to:

The Section Officer,
Criminal Section,
High Court,Madras

+1cc to Mr.R.Ragavendran , Advocate SR.No. 79446(22/10/2019)

<https://hcservices.ecourts.gov.in/hcservices/>

CRL.RC.No.653 of 2009

A.SK(21/10/2019)