



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:19.08.2019

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Cr1.RC.(MD)No.237 of 2019

and

Cr1.MP(MD)No.3509 of 2019

Somu

: Petitioner/Accused

Vs.

Tamil Nadu State Government
represented by its
Sub Inspector of Police,
Seevalaperi Police Station,
Seevalaperi,
Tirunelveli District.

: Respondent/Complainant

Prayer:Criminal Revision has been filed under Section 397 r/w 401 of the Criminal Procedure Code, against the order passed in Cr.M.P.No.1106 of 2019 by the Judicial Magistrate, No.III, Tirunelveli, dated 19.03.2019.

For Petitioner

: Mr.K.Navanetha Raja
for Mr.R.Krishnan

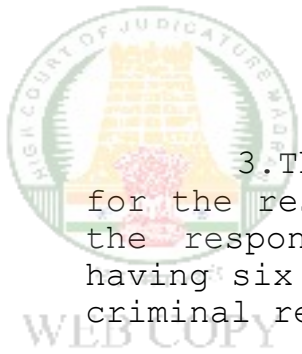
For Respondent

: Mr.APG.Ohm Chairma Prabhu
Government Advocate
(Criminal Side)

O R D E R

The petitioner claims to be the owner of the TIPPER LORRY (TN-22-BD-2729) and the respondent police seized the above vehicle for committing sand theft and registered a case in Crime No.154 of 2018 for the offences under Sections 353, 307, 379 IPC and Section 21(4) of the Mines and Minerals (Development and Regulation) Act. The petitioner, being the lawful owner of the alleged vehicle, filed a petition in Cr.M.P.No.1106 of 2019 on the file of the Judicial Magistrate No.III, Tirunelveli, for interim custody, which was dismissed on 19.03.2019. Challenging the said order, the petitioner is before this Court with this revision.

2.The learned counsel for the petitioner submitted that learned Judicial Magistrate No.III, Tirunelveli, has failed to ascertain the claim of the petitioner as only an interim arrangement as to the custody of the vehicle and prays for allowing the revision.



3.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the alleged vehicle was seized by the respondent for committing sand theft and the petitioner is having six cases of similar in nature and prays for dismissal of the criminal revision.

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

5.It is admitted that the petitioner/accused is the owner of the alleged vehicle. The main contention raised on the side of the respondent is that already the vehicle was involved in similar type of offence, however, interim custody was given to the petitioner/accused, but the revision petitioner/accused again used the same vehicle for committing theft of sand and prays for dismissal of the criminal revision.

6.On perusal of the records, it is seen that already the vehicle was used by the petitioner for committing sand theft in respect of Crime No.72 of 2018 on the file of the Seevalaperi Police Station and the vehicle was given for interim custody to the petitioner as per the order passed in Cr.MP.No.3392 of 2018, dated 23.07.2018. Perusal of the above order, one of the conditions imposed is that the petitioner shall not use the vehicle for committing similar nature of offence. But the petitioner violated the above condition and used the vehicle for committing the theft of sand.

7.On the side of the respondent, it is stated that there are six cases pending in similar type of offence against the petitioner. Considering the fact that the similar cases are pending against the petitioner, this court is not inclined to grant interim custody of the vehicle to the petitioner. The reasons stated by the petitioner are not acceptable. In the interest of justice, the criminal revision is liable to be dismissed.

8.Accordingly, this criminal revision fails and the same is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To,

1.The Judicial Magistrate No.III,
<https://hcservices.ecourts.gov.in/hcservices/>
Tirunelveli.



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.R.KRISHNAN, Advocate (SR-82592[F] dated 21/08/2019)

Order made in
Crl.RC(MD)No.237 of 2019
19.08.2019

er
VB(21.10.2019) 3P 4C