

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.R.C.No.531 of 2020

Jeevarathinam
S/o. Dassd

... Petitioner

/vs/

The State rep. By the
Inspector of Police,
Manalmedu Police Station,
Nagapattinam District.
Crime No.243 of 2019

... Respondent

Prayer : Criminal Revision has been filed under Section 397 r/w. 451 Cr.P.C. to call for the records in Crl.M.P.No.155 of 2020 dated 10.01.2020 on the file of the Principal Sessions Judge, Nagapattinam District and set aside the same subsequently grant interim custody of vehicle lorry bearing registration No.TN 18 F 7479.

For Petitioner : Mr. V.Sakkarapani

For respondent : Mr. M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Revision Petition has been filed against the dismissal of the petition filed by the petitioner seeking for the return of the lorry.

2. The case of the prosecution is that the petitioner is the owner of the lorry and this lorry was involved in illegally transporting of two units of river sand.

3. The learned counsel for the petitioner submitted that the confiscation proceedings has not commenced and now the lorry is exposed to rain and shine and if the lorry is kept in the police station, continuously it will lose all its worth. The learned counsel further submitted that any stringent conditions can be imposed by this Court and the petitioner will comply with the said conditions.

4. Per contra, Mr. M.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondent submitted that if the lorry is released, the petitioner will

once again involve in the illegal transportation of sand. The learned counsel concluded his arguments by submitting that even though confiscation proceedings have not commenced, this Court has to take a very stringent stand, when it comes to release of the vehicle involved in sand theft, which has a direct impact in the natural resources.

5. This Court has carefully considered the submissions made on either side and the orders passed by the Court below.

6. The petitioner is the owner of the lorry and according to the petitioner, the lorry now exposed to the open sky in the police station and it will become worthless over a period of time. Admittedly, the confiscation proceedings have not commenced. The petitioner also undertakes that he will not involve in any illegal activity in future and that any stringent conditions can be imposed by this Court.

7. Taking into consideration the facts and circumstances of the case, the order passed by the Court below in CrI.M.P.No.155 of 2020 dated 10.01.2020, is hereby set aside and the Criminal Revision Petition is allowed with the following conditions:

- (i) The petitioner shall file an affidavit before the Court below that the lorry will not be used for the illegal transportation of sand in future.
- (ii) The petitioner shall deposit the original RC book before the Court below and the Court below shall certify the deposit of the original RC book in the Court and such certificate can be produced by the petitioner if and when he is asked to produce the RC book by the police during any interception.
- (iii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the District Minerals Foundation Trust and shall produce the said receipt before the Court below.
- (iv) The petitioner shall produce the vehicle, as and when required before the court below.
- (v) This order is passed without prejudice to the rights of the respondent to initiate confiscation proceedings against the petitioner.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Inspector of Police,
Manalmedu Police Station,
Nagapattinam District.

2. The Public Prosecutor,
High Court, Madras.

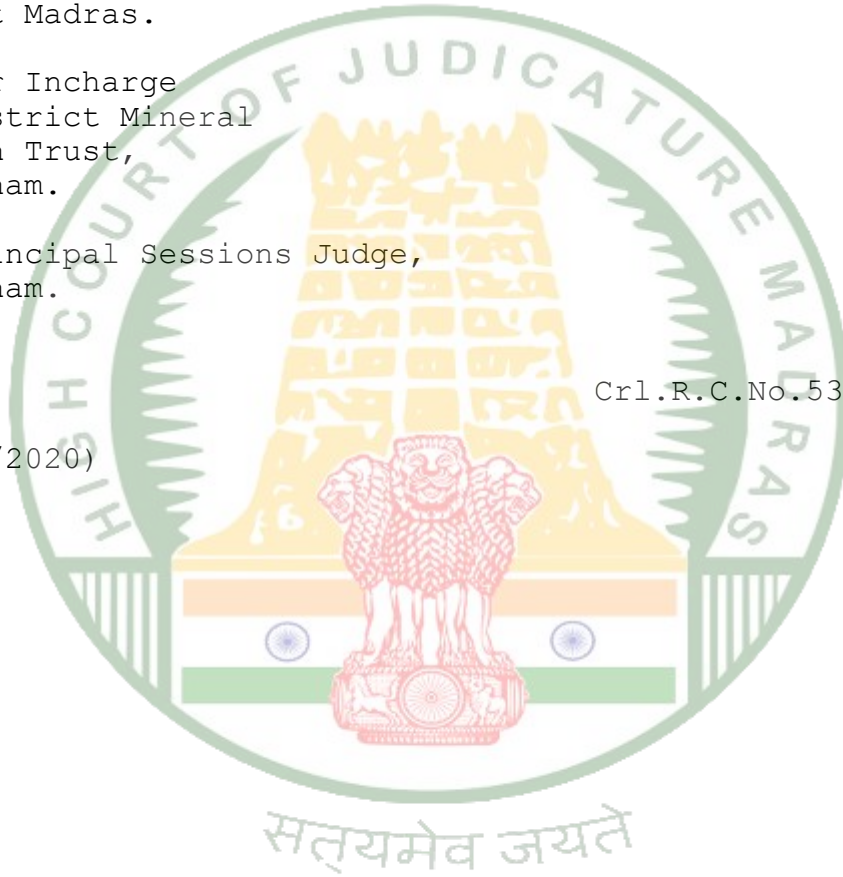
3. The Section Officers,
Criminal Section Records,
High Court Madras.

4. Officer Incharge
The District Mineral
Foundation Trust,
Nagapattinam.

5. The Principal Sessions Judge,
Nagapattinam.

BR(CO)
RMP(17/07/2020)

Cr1.R.C.No.531 of 2020



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