



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2020

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.RC(MD)No.206 of 2020

WEB COPY

Giri : Petitioner/Petitioner/
Accused-cum-Owner of the Vehicle

Vs.

The State rep by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(Crime No.362 of 2019)

: Respondent/Respondent/
Complainant

Prayer: This Criminal Revision has been filed under Sections 397 r/w 401 of Criminal Procedure Code, against the order in Cr.M.P No.239 of 2020 on the file of the District Munsif-cum-Judicial Magistrate Court, Thiruppuvanam, dated 10.02.2020 in Crime No.362 of 2019 on the file of the respondent police, Consequently direct the District Munsif - cum - Judicial Magistrate, Court, Thiruppuvanam to hand over the interim custody of the Vehicle bearing registration No.TN 63 B5266 and it Engine No.697D21FQQ117741 Chasis No.3730443FQQ113247.

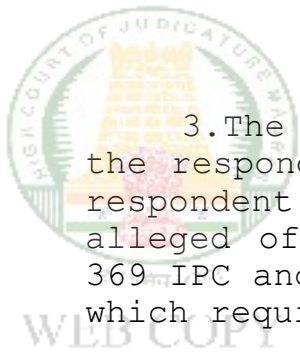
For Petitioner : Mr.SP.Vijay Nivas

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 Lorry bearing Registration No.TN-63-B-5266 and the said Lorry was seized by the respondent police in connection with a case in Crime No. 362 of 2019 for the alleged offence under section 21(1) of Mines and Minerals Act and 379 IPC. The petitioner, being the lawful owner of the alleged vehicle, filed a petition in Cr.M.P.No.239 of 2020 on the file of the District Munsif-cum-Judicial Magistrate, Thiruppuvanam, for interim custody, which was dismissed on 10.02.2020. 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 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 in connection with a case in Crime No.362 of 2019 for the alleged offence under Section 21(1) of Mines and Minerals Act and 369 IPC and the trial court has correctly passed the impugned order, which requires no interference by this court.

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

5.Perusal of the impugned order shows that learned Judicial Magistrate, after referring to the decision of this court in the case of **District Collector, Pudukkottai and another**, has held that the Special Courts have commenced receiving and dealing with applications for release of vehicle. The petitioner may thus approach the concerned District Court seeking release of the vehicle in question and the Court shall dispose of the application within a period of seven days from the date of numbering of the application. Hence, this court is of the view that the learned Judicial Magistrate has rightly dismissed the petition filed by the petitioner for release of vehicle and held that any application for release of vehicle etc., can only be filed before the Special Court alone for the offences stated above.

6.In view of that, the this criminal revision is disposed of granting liberty to the petitioner to move the Special Court for the release of the vehicle in question and connected reliefs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd/er

To,

1.The District Munsif-cum-Judicial
Magistrate, Thirupuvanam.

2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.

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

Order made in
Crl.R.C (MD) No.206 of 2020
26.02.2020