



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.10.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.532 of 2020

Sathiyamoorthy

.. Petitioner

Vs.

State represented by,
The Inspector of Police,
Karaiyur Police Station,
Pudukottai District.
(Crime No.97 of 2020)

.. Respondent

Prayer : This criminal revision case filed under Sections 397 & 401 of Cr.P.C., to call for the records pertaining to the order passed by the Principal District and Sessions Court, Pudukottai in Cr.M.P.No.3411 of 2020 dated 07.09.2020 and to set aside the same and order to return the petitioner's unregistered Tractor and its Tractor bearing chasis No.MBNAS48AVJTP34073 and Engine No.RJJ2KGA6832 seized by the respondent on 30.04.2020.

For Petitioner	: Mr.T.Lenin Kumar
For Respondent	: Mr.A.Saravana Kumar, Government Advocate

ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.3411 of 2020 dated 07.09.2020, on the file of the learned Principal District and Sessions Judge, Pudukottai.

2.The petitioner claims to be the owner of the unregistered Tractor and Tractor bearing chasis No.MBNAS48AVJTP34073 and Engine No.RJJ2KGA6832, seized by the respondent. The petitioner approached the learned Principal District and Sessions Judge, Pudukottai, by filing a petition in Crl.M.P.No.3411 of 2020 for release of the vehicle and the learned Judge dismissed the petition on 07.09.2020. Against which, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the lower Court dismissed the petition on the ground that the petitioner failed to produce the document to prove the ownership of the vehicle. It is stated that the petitioner purchased the vehicle from the dealer but the vehicle was not registered, since the petitioner was waiting for the release of subsidy from the Government. It is further stated that even unregistered vehicle can be returned to the owner concerned. The learned counsel for the petitioner cited judgements passed by this Court in the case of **Sathiyamoorthy v. The**



Assistant Director of Geology and Mining in **W.P. (MD)No.8850 of 2020** and in the case of **Kaliyaperumal v. State represented by the Inspector of Police in Crl.R.C.No.633 of 2020** and in the case of **P.Rajinikanth v. The Revenue Divisional Officer in W.P.No.24085 of 2019** and prayed the vehicle to be returned to the petitioner.

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4. On the side of the respondent, it is stated that on 30.04.2020, around 03.00 a.m., the respondent police inspected the alleged vehicle. The unregistered tractor along with trailer and unregistered JCB with one unit of river sand was illegally transported by the accused. A case was registered in Crime No.97 of 2020 under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act. The respondent police arrested A2 to A4 red-handedly and remanded them to the judicial custody. Already this Court in the case of **Muthu v. District Collector and others** reported in **CDJ 2018 MHC 7179** has made an observation that there is possibility for losing river sand, which may affect 100 millions of people. Even the Honourable Apex Court has held in its decision in **Sundarbhai Ambalal Desai v. State of Gujarat** reported in **CDJ 2003 SC 061**, that if the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar offence. It is further stated that the petitioner is illegally carrying out mining for his own personal gain. Mere invoice is not the prove for the ownership as per the Motor Vehicles Act and prayed the petition to be dismissed.

5. It is seen that the alleged vehicle is an unregistered one. Even without a temporary registration, the dealer permitted the petitioner to use the vehicle, which is illegal. Using the vehicle without registration number is illegal. The petitioner was allegedly using the unregistered vehicle. The alleged offence is also an offence against the entire society. There is no acceptable documents to prove the ownership of the vehicle.

6. In view of the same, this Court is not inclined to return the vehicle to the petitioner at the present stage. This Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



Mrn

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Principal District and Sessions Judge, Pudukkottai.

2.The Sub Inspector of Police,
Karaiyur sPolice Station,
Pudukkottai District.

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

Crl. R.C.(MD)No.532 of 2020

09.10.2020

NS (CO)

NR (19/10/2020) 3P : 4C