



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.584 of 2020

R.Murugananthan

.. Petitioner

Vs.

The State
through the Inspector of Police,
Bhoodhalur Police Station,
Thanjavur.

Crime No.41 of 2020

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records in Cr.M.P.No.3187 of 2020, order dated 23.09.2020 on the file of the Special Court under the Mines and Minerals (D& R) Act, 1957, Thanjavur (In the Court of Principal Sessions Judge, Thanjavur) and to set aside the same as devoid of merits.

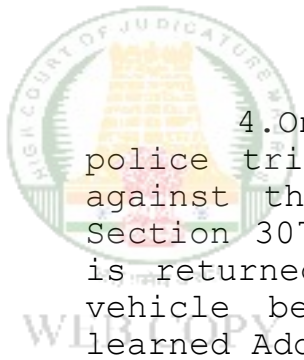
For Petitioner	: Mr.A.Haja Mohideen
For Respondent	: Mrs.S.Bharathi,
	Government Advocate (Crl. Side)

ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.3187 of 2020 dated 23.09.2020, on the file of the learned Principal Sessions Judge, Thanjavur and to hand over the interim custody of the vehicle bearing Registration No.TN-49-BP-6526 belongs to the petitioner.

2.The petitioner claims to be the owner of the Mahindra and Mahindra Bolero Maxi Truck Plus bearing Registration No.TN-49-BP-6526. The respondent seized the vehicle alleging that the vehicle was involved in sand theft and produced the property before the Court. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Thanjavur, by filing a petition for release of the vehicle and the learned Judge dismissed the petition in Crl.M.P.No.3187 of 2020 dated 23.09.2020. Against which, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the petition was dismissed by the Special Court on the ground that the investigation is pending. Now eight months was over, the accused were already on bail and the owner of the vehicle was granted anticipatory bail.



4.On the side of the respondent, it is stated that when the police tried to stop the vehicle, the accused attempted to dash against the police with an intention to hit them. A case under Section 307 of IPC was filed against the petitioner. If the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar offences and the learned Additional Public Prosecutor raised serious objections.

5.On the side of the petitioner, it is stated that the vehicle is not involved in the case.

6.Considering the nature of offence alleged against the petitioner and considering the fact that the petitioner is A3 in the case and investigation is pending, this Court is not inclined to return the vehicle to the petitioner at present.

7.In view of the above, this Criminal Revision Case is dismissed and the order passed in Crl.M.P.No.3187 of 2020 dated 23.09.2020, on the file of the learned Principal Sessions Judge, Thanjavur is confirmed.

Sd/-

Assistant Registrar (crl.side)

// 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 Sessions Judge, Thanjavur
(Special Court under the mines and minerals(D&R)Act 1957).
- 2.The Inspector of Police,
Bhoodhalur Police Station,
Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD)No.584 of 2020
09.12.2020

ARK(CO)

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