

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.31 of 2021

Thilagar @ Logamaniyathilagar

... Petitioner

Vs.

State By.

The Inspector of Police,
Thittachery Police Station,
Nagapattinam District,
(Crime No.646 of 2020).

... Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C to set aside the order passed in Crl.M.P.No.2790 of 2020 dated 06.11.2020 on the file of the learned District and Sessions Judge, Nagapattinam and further direct the respondents to return the petitioner's TATA ACE bearing registration No.TN-49 AM-2580 seized in Crime No.646 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.R.Surya Prakash

Government Advocate (Crl.Side)

O R D E R

Mr.R.Surya Prakash, learned Government Advocate (Crl.Side) takes notice for the respondent. By consent of both parties, the matter is taken up today, for final disposal.

2.The respondent police registered a case in Crime No.646 of 2020 against the petitioner for the offence under Sections 379, 430 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the TATA ACE bearing Registration No.TN-49 AM 2850. The petitioner filed a petition

before the Court below under Section 451 r/w 457 of Cr.P.C. for return of the vehicle, which was dismissed by the Court below, against which the petitioner is before this Court with the present Criminal Revision Case.

3. According to the learned counsel for the petitioner, the petitioner, who is the owner of the vehicle is in no way connected with the alleged offence. The driver of the vehicle only involved in the said offence and the petitioner strictly instructed the driver to use the vehicle only for agricultural purpose and not for any illegal transportation of sand. Further, the petitioner has not intentionally involved in the case of illegal transportation of sand. Hence, he seeks return of vehicle.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that investigation has not yet been completed and charge sheet has also not been filed and hence the vehicle in question cannot be released at this stage.

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

6. It is seen that in the present case, investigation is pending and charge sheet has not yet been filed. This Court time and again gave a direction that stringent action should be taken in the case of theft of sand. Hence, this Court is not inclined to grant the relief sought for by the petitioner in this Criminal Revision Case.

7. Accordingly, this Criminal Revision Case is dismissed. Since the occurrence had taken place on 20.06.2020, the respondent police is directed to complete the investigation and file charge sheet as early as possible.

सत्यमेव जयते

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

To

1. The District and Sessions Judge,
Nagapattinam.

2.The Inspector of Police,
Thittachery Police Station,
Nagapattinam District.

3.The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.31 of 2021

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srg 15/02/2021



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