

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.44 of 2021

Baskaran

S/o.Vaithiyanathan

... Petitioner/Petitioner

Vs.

The State of Tamil Nadu,
Rep.by the Inspector of Police,
Kuttalam Police Station,
Nagapattinam District.
(Crime No.321/19)

... Respondent/Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w. 401 of Cr.P.C. to set aside the order passed in Crl.M.P.No.2198 of 2020 on the file of the District and Sessions Judge, Nagapattinam dated 26.08.2020 and grant interim custody of the vehicle bearing Registration No.TN-32-C-6080 in favour of the petitioner.

For Petitioner : No Appearance

For Respondent : Mr.R.Suryaprakash
Government Advocate (Crl.Side)

O R D E R

There is no representation for the petitioner. Heard the learned Government Advocate (Crl.Side).

2. The respondent police registered a case in Crime No.321 of 2019 for the offence under Sections 379 and 430 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act 1957). During the investigation, vehicles were seized and the pendency of the investigation, the petitioner approached the Session Judge under Section 451 seeking return of vehicle. The learned Special Judge dismissed the order stating that as per Section 21 (4A) of the Amended Mines and Minerals Act, 1957, the tools, machineries, instruments, vehicles etc. involved in the commission of the offence of illegal sand mining shall be confiscated upon the order of the court empowered to take

cognizance under the Act. Since the investigation is pending, charge sheet not yet filed and return of vehicle during the investigation is duly with the discretionary power of the Court. Further, the offence involved is under Section 21 of Mines and Minerals (Development and Regulation) Act 1957. Therefore, any vehicles involved for illegal theft of Mines liable to be confiscated. Considering the facts and circumstances and the stage of investigation, this Court is not inclined to grant relief by exercising the discretionary power and therefore, this Court does not find any infirmity or illegality in the order passed by the District and Sessions Judge, Nagapattinam, in Crl.M.P.No.2198, 2206 and 2207 of 2020.

3. The Civil Revision Petition is dismissed at the admission stage itself.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bri

To

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

2.The District and Sessions Judge,
Nagapattinam.

3.The Public Prosecutor,
High Court Madras.

AK(CO)
RMP(04/03/2021)

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