

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.52 of 2021

Gopalsamy

... Petitioner

.Vs.

The State of Tamil Nadu,
Rep. by Inspector of Police
Kilveur Police Station,
Nagapattinam District,
[Crime No.605 of 2020]

.... Respondent

PRAYER : Criminal Revision case filed under Sections 397 r/w 401 or Cr.P.C. against the order passed in Crl.M.P.No.1762 of 2020 on the file of District Sessions Judge, Nagapattinam, dated 10.07.2020 and grant interim custody of the vehicle bearing Reg No.TN 50 AA 6640 in favor of the petitioner.

For Petitioner : No appearance

For Respondents : Mr.K.Madhan
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision has been filed against the order passed in Crl.M.P.No.1762 of 2020 on the file of District Sessions Judge, Nagapattinam, dated 10.07.2020.

2. The respondent police registered the case against the petitioner for the offence punishable under Sections 379, 430 of I.P.C. and Section 21 (1) of Mines & Minerals (Development & Regulation) Act, 1957. During the investigation, the vehicle bearing Registration No.TN 50AA 6640 was seized. The petitioner filed an application before the District and Sessions Judge, Nagapattinam for return of vehicle and the same was dismissed vide order dated 10.07.2020. Challenging the same, the present revision has been filed.

3. No representation on behalf of the petitioner. Mr.K.Madhan, learned Government Advocate (Crl.side) takes notice for the respondents.

4. A case was registered against the petitioner under Sections 379, 430 of I.P.C. and Section 21 (1) of Mines & Minerals (Development & Regulation) Act, 1957 and since the offence involved in this case is under Mines and Minerals Act, the vehicle is liable to be confiscated. Under such circumstances, the release of the vehicle during investigation

is purely the discretionary power of the Court. Therefore, the learned Judge while exercising the discretionary jurisdiction had dismissed the petition filed by the petitioner. This Court, while exercising the revisional jurisdiction cannot conduct roving enquiry at this stage.

In view of the same, this Court does not find any perversity in the order passed by the designated Court viz., District and Sessions Court, Nagapattinam. Under such circumstances, this revision is liable to be dismissed. Accordingly this revision is dismissed at the stage of admission itself.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Arr

To

- 1.The Inspector of Police
Kilveur Police Station,
Nagapattinam District.
- 2.The District Sessions Judge,
Nagapattinam
- 3.The Public Prosecutor,
High Court, Madras 104.

Cr1.R.C.No.52 of 2021

KK (CO)
GN (23/02/2021)

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