

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.50 of 2021

Jeevanantham

... Petitioner/Revision
Petitioner

.Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police
Kilvelur Police Station,
Nagapattinam District,
[Crime No.237 of 2020]

... Respondent/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.2115 of 2020 on the file of District Sessions Judge, Nagapattinam, dated 19.08.2020.

For Petitioner : No appearance

For Respondents : Mr.K.Madhan
Government Advocate

O R D E R

This Criminal Revision has been filed against the order passed in Crl.M.P.No.2115 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 belonging to the petitioner having Engine no.E247709 and Chassis no.T052472167DH 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 has 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. There is no infirmity or illegality in the order passed by the Court below. 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

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To

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

Crl.R.C.No.50 of 2021

MG(CO)
CB(01/03/2021)

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