

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
Crl.R.C.No.86 of 2021

Girija

... Petitioner

.Vs.

State rep. by
The Inspector of Police
Palaiyur Police Station,
Nagapattinam District.

... Respondent

PRAYER : Criminal Revision case filed under Section 397 read with Section 401 of Cr.P.C. to set aside the order dated 05.01.2021 passed in Crl.M.P.No.3501 of 2020 by the learned District and Sessions Court, Nagapattinam District and direct the respondent/police to deliver tractor with tipper vehicle bearing Registration No.TN-82 B 6950 to the petitioner.

For Petitioner : Mr.M.Ezhilarasan
For Respondent : Mr.K.Madhan (Crl.side)
Government Advocate

O R D E R

This Criminal Revision has been filed challenging the order dated 05.01.2021 passed in Crl.M.P.No.3501 of 2020 by the learned District and Sessions Court, Nagapattinam District and direct the respondent/police to deliver tractor with tipper vehicle bearing Registration No.TN-82 B 6950 to the petitioner.

2. A case was registered against the accused in Cr.No.389/2020 for the offence punishable under Sections 188, 269, 270, 379, 420 & 430 IPC and 21 (1) of Mines and Minerals (Development and Regulation) Act 1952 and during investigation, the Tractor with tripper vehicle bearing Registration No.TN 82 B 6980, which stands in the name of the petitioner/wife of the first accused was seized. During the pendency of the investigation, the petitioner filed a petition before the learned District and Sessions Court, Nagapattinam District in C.M.P.No.3501/2020 under Sections 451 and 457 Cr.PC. The said petition was dismissed by the learned Magistrate vide order dated 05.01.2021. Aggrieved over the same, the petitioner has filed the present petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case. She would further submit that she is only the wife of the first accused and she has not been arrayed as accused in this case.

4. Heard both sides. Perused the materials available on record.

5. Considering the facts and circumstances of the case and since the vehicle was involved in the offence of illegal sand mining, the vehicle is liable to be confiscated. Further, as this Court time and again held that the release of vehicle during investigation is purely the discretionary power of the Court, in the present case, since the investigation has not been completed and charge sheet has not yet filed, considering the serious nature of offence, the Court below, by exercising its discretionary power has rightly dismissed the petition filed for return of the vehicle and there is no perversity in the order passed by the Court below. There is no infirmity or illegality in the order passed by the Court below.

6. In view of the same, this Criminal Revision case is dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

arr
To

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

2. The District and Sessions Judge,
Nagapattinam.

3. The Public Prosecutor, High Court, Madras - 104.

+1cc to Mr.M.Ezhilarasan , Advocate SR.No. 9242

CrI.R.C.No.86 of 2021

A.SK(16.03.2021)