

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.99 of 2021

Kumar

... Petitioner

...vs...

State by Inspector of Police,
Perambur Police Station,
Perambur, Nagapattinam District.
Crime No.163 of 2020.

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the judgment passed against the Revision Petitioner by the learned District and Sessions Judge, Nagapattinam, Special Court under POCSO Act, Nagapattinam in charge of Sessions Judge, Nagapattinam on 04.02.2021 in CrI.M.P.No.406 of 2021 by its judgment dated 04.02.2021 and thereby direct the respondent police to return the vehicle bearing Reg No.Not registered, vide Engine No.ZJE5HAE4390.

For Petitioner : Mr.B.Ramar

For Respondent : Mr.K.Madhan

Government Advocate (Crl.Side)

O R D E R

Mr.K.Madhan, 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.163 of 2020 against the petitioner for the offence under Section 21(1) of Mines and Mineral (Development & Regulation) Act, 1957 and Section 379 of IPC and seized the Tractor with Tipper bearing Reg.No.Not registered, vide Engine No.ZJE5HAE4390. The petitioner has filed a petition before the Court below under Section 451 r/w 457 of Cr.P.C. for return of vehicle, which was dismissed by the Court below, against which the petitioner is before this Court with the present Criminal Revision Case.

3. The learned counsel for the petitioner would submit that the petitioner is the owner of the said vehicle. The subject matter of the vehicle was not involved in the alleged offence, only based on the false information the respondent/police seized the vehicle. Therefore, he seeks interim custody of the said vehicle and that he would abide by stringent conditions, if any, to be imposed on him.

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. Admittedly, the case was registered against the petitioner for the offence under Section 21(1) of Mines and Mineral (Development & Regulation) Act, 1957 and Section 379 of IPC. This Court time and again gave a direction that stringent action should be taken in the case of Mines and Minerals and also natural resources. It is seen that in the present case, investigation is pending and charge sheet has not yet been filed. If at all, after investigation found that the vehicle is involved in the commission of offence, it is liable to be confiscated. The release of the vehicle during investigation is purely the discretionary power of the Court. Therefore, the learned Judge by 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.

7. In view of the same, this Court does not find any perversity or infirmity in the order passed by the Court below. Accordingly, this Criminal Revision case is dismissed.

Sd/-

Assistant Registrar (CS IX)

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Sub Assistant Registrar

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To

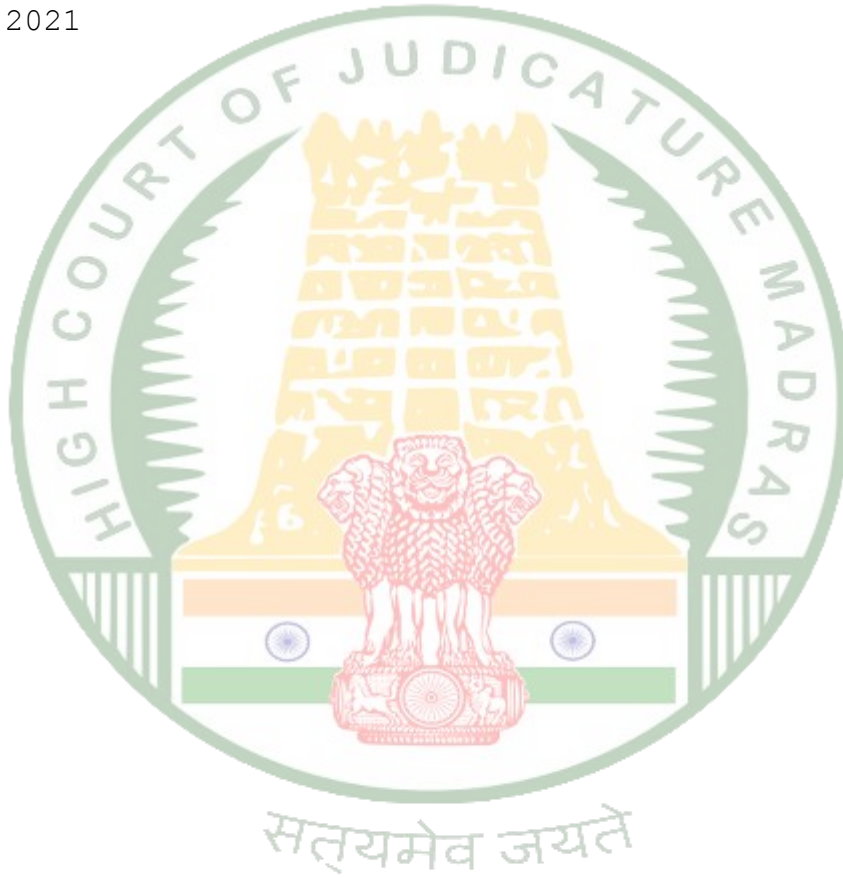
1. The District and Sessions Judge,
Special Court under POCSO Act, Nagapattinam
in charge of District and Sessions Judge,
Nagapattinam.

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

3. The Public Prosecutor,
High Court, Madras.

Cr1. R.C.No.99 of 2021

RR(CO)
CSR 22.03.2021



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