

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN
Criminal Revision Case No.165 of 2021

Karthi ... Petitioner/Vehicle Owner
...vs...

The State Rep.by
Inspector of Police,
Kudavaasal Police Station,
Thiruvarur District,
Crime No.1301 of 2020.

... Respondent/Complainant

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the order of dismissal dated 15.02.2021 made in Crl.M.P.No.1418 of 2020 on the file of the Principal Sessions Judge, Thiruvarur by allowing the present Criminal Revision Case.A

For Petitioner : Mr.R.Jayaprakash
For Respondent : Ms.T.P.Savitha
Government Advocate (Crl.Side)

O R D E R

Ms.T.P.Savitha, 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.1301 of 2020 against the petitioner for the offence under Section 379 IPC and Section 21(1) of Mines and Mineral (Development & Regulation) Act, 1957 and seized the Tipper lorry bearing Reg.No.TN31 L 2255. The petitioner has filed a petition before the Court below under Section 451 and 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 and he is in no way connected with the alleged offence. The driver of the vehicle only involved in the said offence and the petitioner strictly instructed the driver to use the vehicle only for agricultural purpose and not for any illegal transportation of sand. Further, the petitioner has not intentionally involved in the case of illegal transportation of sand. 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 the petitioner was

involved in the case of illegal transportation of 3 units of savudu sand. She would further 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 379 IPC and Section 21(1) of Mines and Mineral (Development & Regulation) Act, 1957. 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 III)

/TRUE COPY/

Sub-Assistant Registrar

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To

1. The Principal Sessions Judge,
Thiruvavur.

2. The Inspector of Police,
Kudavaasal Police Station,
Thiruvavur District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. R. Jayaprakash, Advocate, SR.NO.17960

CrI. R.C.No.165 of 2021

KKN 21.04.2021