

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.183 of 2021

Ayyappan

... Petitioner

..vs..

State by,
The Inspector of Police,
Nagore Police Station,
Nagapattinam District,
Crime No.07 of 2020.

... Respondent

Criminal Revision Case filed under Section 397 and 401 Cr.P.C, to set aside the order dated 09.03.2021 in CrI.M.P.No.783 of 2021 on the file of the District and Sessions Judge, Nagapattinam and return the vehicle Sonalika DI-35 RX Tractor (bearing Un-registered Vehicle) seized and impounded by respondent police in Crime No.07 of 2020 to the petitioner.

For Petitioner : Mr.S.K.Kannadasan

For Respondent : Ms.T.P.Savitha
Government Advocate (CrI.Side)

O R D E R

By consent of both parties, the matter is taken up today for final disposal at the admission stage itself.

2. This Criminal Revision Case has been filed against the order dated 09.03.2021 passed in CrI.M.P.No.783 of 2021 by the learned District and Sessions Judge, Nagapattinam.

3. It is the case of the petitioner that he is the owner of the Tractor with Tipper and the same was seized by the respondent police for the offence under Sections 379 and 430 IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. Subsequently, the petitioner filed a petition in CrI.M.P.No.783 of 2021 under Section 451 and 457 Cr.P.C before the District and Sessions Judge, Nagapattinam seeking return of the vehicle. After due enquiry, the learned Sessions Judge dismissed the petition. Challenging the said order, the petitioner filed the present Criminal Revision

4.The learned counsel for the petitioner would submit that subject matter of vehicle was not involved in the alleged offence, it is only based on the false information the respondent/police seized the vehicle and that the matter is pending for more than one year. He would further submit that the vehicle in question is left idle in the open space thereby, the condition of the vehicle is getting deteriorated and the value of the vehicle is lost thereby, putting the petitioner to hardship and hence, he seeks for return of the vehicle.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the alleged unregistered vehicle has been used for illegal transportation of 3 units of river sand and investigation is still pending and hence, she objects for release of the vehicle.

6.Heard the learned counsel appearing on either side and perused the materials available on record.

7.Admittedly, the case was registered against the petitioner for illegal transportation of river sand. 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 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.

8. 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.

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Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To

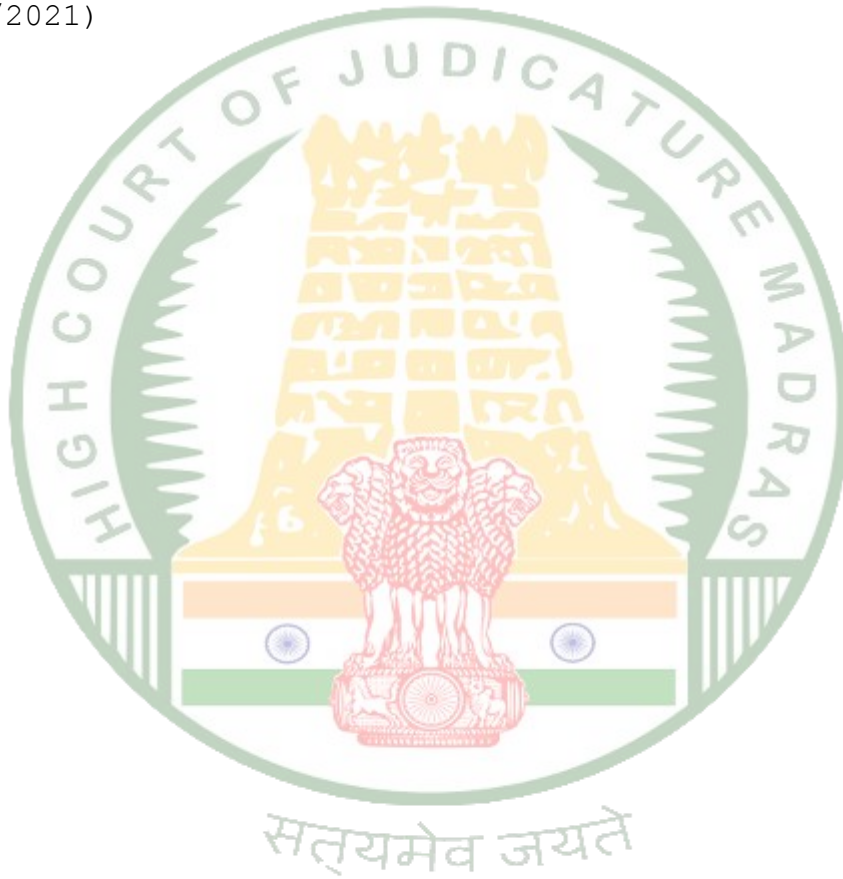
1.The District and Sessions Judge,
<https://hcservices.ecourts.gov.in/hcservices/>
Nagapattinam.

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

3.The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.183 of 2021

AD(CO)
GMY(23/06/2021)



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