

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.184 of 2021

Manoj

... Petitioner

..vs..

State Represented by,
The Sub Inspector of Police,
Vikramangalam Police Station,
Ariyalur District,
Crime No.105 of 2019.

... Respondent

Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, to set aside the order dated 10.03.2021 made in Cr.M.P.No.3164 of 2020 on the file of the Principal Sessions Judge, Ariyalur Sessions Division, Ariyalur and consequently return the vehicle and to allow the above Criminal Revision Case.

For Petitioner : Mr.R.Rajadurai

For Respondent : Ms.T.P.Savitha

Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Case has been filed against the order dated 10.03.2021 made in Cr.M.P.No.3164 of 2020 by the learned Principal Sessions Judge, Ariyalur Sessions Division, Ariyalur.

2. It is the case of the petitioner that he is the owner of the vehicle viz., Tipper Lorry bearing registration No.TN 61 L 6469 and the same was seized by the respondent police for the offence under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and a case was registered in Crime No.105 of 2019. Subsequently, the petitioner filed a petition in Cr.M.P.No.3164 of 2020 under Section 451 of Cr.P.C before the Principal District and Sessions Judge, Ariyalur seeking return of the said vehicle. After due enquiry, the learned Sessions Judge dismissed the petition. Challenging the said order, the petitioner filed the present Criminal Revision Case.

3. When the matter was taken up for hearing on 07.04.2021, the learned Government Advocate (Crl.Side) would submit that the vehicle in question was involved in two other similar cases and that the learned counsel for the petitioner sought time for getting instructions.

4. Today, when the matter is taken up for hearing, the learned Government Advocate (Crl.Side) would submit that the vehicle in question was involved in the very same offence in Crime No.46 of 2018 and the petitioner by filing a petition for return of the vehicle, got interim custody of the vehicle. Thereafter, the petitioner used the vehicle for the very same offence.

5. Admittedly, the alleged vehicle has been used for illegal transportation of sand and the said vehicle was already involved in the same offence. In Crime No.46 of 2018, the petitioner filed a petition under Section 451 Cr.P.C for return of the vehicle and got interim custody of the vehicle. Thereafter, the petitioner used the vehicle for the very same offence under Section 379 IPC r/w 21(1) of Mines and Minerals Act. In the case of Mines and Minerals and also natural resources, this Court, time and again, gave a direction to take stringent action against the persons who are involved in the illegal transportation of sand. It is seen that in the present case, investigation is pending and charge sheet also has not yet been filed. If at all, after investigation if it is found that the vehicle was involved in the commission of offence, it is liable to be confiscated. Further, the release of the vehicle during investigation is purely the discretionary power of the Court. Unless any arbitrariness or malafides found, the revision Court need not interfere with the order passed by the Court below.

6. Considering the facts and circumstances of the case and the stage of the investigation and also the vehicle in question was involved in similar type of offences again and again and therefore, in order to safeguard the Mines and Minerals and also preserve the natural resources to next generation, this type of offences has to be handled with iron hand. Hence, this Court is not inclined to interfere with the order passed by the Court below. Accordingly, this Criminal Revision case is dismissed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Sessions Judge,
Ariyalur Sessions Division,
Ariyalur.

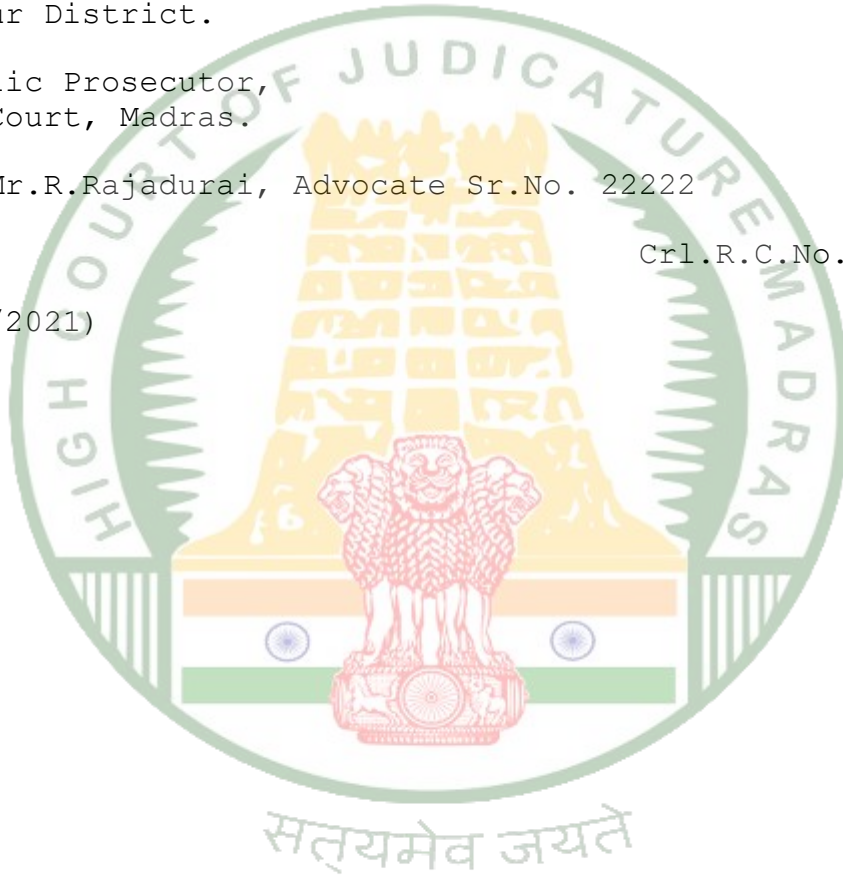
2.The Sub Inspector of Police,
Vikramangalam Police Station,
Ariyalur District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.R.Rajadurai, Advocate Sr.No. 22222

Crl.R.C.No.184 of 2021

JPL(CO)
RMP(30/04/2021)



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