

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.244 of 2021

Elangovan

... Petitioner

..VS..

State by,

The Inspector of Police,
Attaiyampatty Police Station,
Salem District,
Crime No.195 of 2019.

.... Respondent

Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, to call for the records of the learned Principal District and Sessions Judge, Salem and set aside the order dated 04.02.2020 in C.M.P.No.3860 of 2019 and order return of the vehicle Earth Moving Equipment (JCB India Limited) bearing Regn.No.TN 09 BE 9792 concerned in Crime No.195 of 2019 on the file of the respondent to the custody of the petitioner herein.

For Petitioner : Mr.K.Balu

For Respondent : Mr.K.Mathan
Government Advocate (Crl.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 04.02.2020 passed in C.M.P.No.3860 of 2019 by the learned Principal District and Sessions Judge, Salem.

3.According to the petitioner, he is the owner of the vehicle bearing Registration No.TN 09 BE 9792 and the same was seized by the Revenue Divisional Officer, Sankagiri stating that the said vehicle is involved in illegal mining of sand without any valid document and hence, the respondent police registered a case in Crime No.195 of 2019 for the offence under Sections 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation). Subsequently, the petitioner filed a petition under

Section 451 Cr.P.C before the learned Principal Sessions Judge, Salem seeking return of the vehicle. After due enquiry, the learned Sessions Judge found that petitioner has not produced any documentary evidence to show that he is the owner of the said vehicle and dismissed the petition. Challenging the said order, the petitioner filed the present Criminal Revision Case.

4.The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle bearing Registration No.TN 09 BE 9792 and the same was seized by the Revenue Divisional Officer, Sankagiri stating that the vehicle is involved in illegal mining of sand without any valid document and hence, the respondent police registered a case in Crime No.195 of 2019. 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 vehicle has been used for illegal transportation of river sand and hence, he 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. During the investigation, the release of the vehicle is purely the discretionary power of the Court. The learned Sessions 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Principal District and Sessions Judge,
Salem.

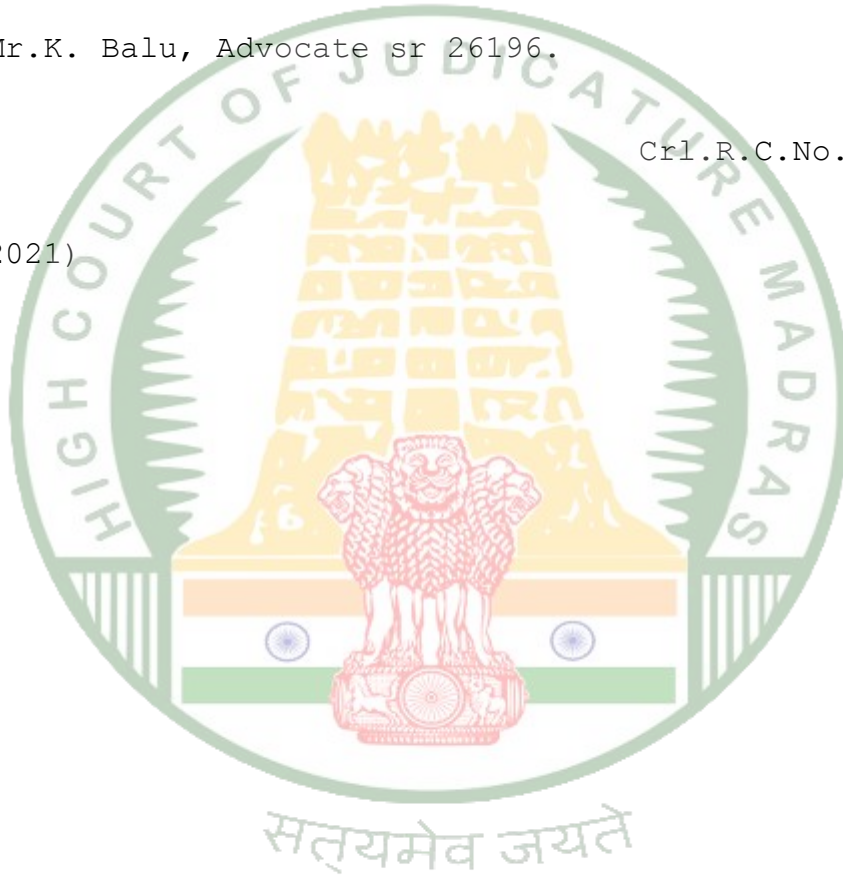
2.The Inspector of Police,
Attaiyampatty Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.K. Balu, Advocate sr 26196.

CrI.R.C.No.244 of 2021

GP(CO)
SP(25/05/2021)



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