



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.R.C.No.292 of 2021

S.Kumar

...Petitioner

-Vs-

State represented by
The Sub Inspector of Police,
Maruvathur Police Station,
Perambalur District.
Crime No.126 of 2021.

...Respondent

Criminal Revision filed under Section 397 read with 401 of Cr.P.C. to set aside the order dated 16.04.2021 passed in Crl.M.P.No.241 of 2021 in R.P.No.16 of 2021 on the file of the Principal District and Sessions Judge, Perambalur.

For Petitioner : Mr.T.Sai Krishnan

For Respondent : Mrs.V.Sharadha Devi
Government Advocate (Crl. Side)

ORDER

Heard the learned counsels on either side.

2. The petitioner figures as A4 in Crime No.126 of 2021 registered on the file of the respondent/police.

3. The petitioner's vehicle was involved in the case of illegal transportation of sand and in view of the same, the respondent police had registered a case u/s.379 IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957.

4. The petitioner had sought for interim custody of the vehicle. However, the said request was rejected by the impugned order dated 16.04.2021. Aggrieved by the same, the present revision came to be filed.

5. The learned counsel for the petitioner would submit that the petitioner is only praying for interim custody of the vehicle.



6. The Hon'ble Supreme Court has held in more than one case that vehicles ought not to be retained in station custody, because that would cause loss of value to the vehicle. In view of this, the order impugned in the present revision is set aside and accordingly, the revision petition stands allowed.

7. The petition mentioned vehicle will be handed over to the petitioner by the respondent. However, this is without prejudice to the confiscation proceedings that may be issued by the authorities.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssn/hvk

To

1.The Principal District and Sessions Judge,
Perambalur.

2.The Sub Inspector of Police,
Maruvathur Police Station,
Perambalur District.

3.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.T.Saikrishnan, Advocate Sr.No.27199

Cr1.R.C.No.292 of 2021

GSM(CO)
RVM(19/07/2021)