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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.322 of 2021

Navvar Hussian

... Petitioner

..VS..

The State rep. by,
The Inspector of Police,
Thittacherry Police Station,
Nagapattinam District,
Crime No.39 of 2020.

... Respondent

Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, to set aside the impugned order passed by the learned District and Sessions Judge, Nagapattinam in CrI.M.P.No.465 of 2021 dated 10.02.2021 by allowing the Criminal Revision Petition.

For Petitioner : Mr.M.Ahmed Fazil
For Respondent : Mr.S.Sugendran
Government Advocate (CrI.Side)

O R D E R

This Criminal Revision Case has been filed against the order dated 10.02.2021 passed in CrI.M.P.No.465 of 2021 by the learned District and Sessions Judge, Nagapattinam.

2.It is the case of the petitioner that the respondent police registered a case in Crime No.39 of 2020 against him for the offence under Section 379, 430 IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the Tipper lorry bearing Registration No.TN 57 P 6040. During the pendency of the investigation, the petitioner filed a petition in Cr.M.P.No.465 of 2021 under Section 451 and 457 of Cr.P.C seeking for return of the 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 Government Advocate (CrI.Side) appearing for the respondent police would submit that the alleged vehicle has been used for illegal transportation of river sand and the



investigation is still pending and charge sheet is yet to be filed and hence, he objects for release of the vehicle.

4. Heard the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

5. 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 cases of theft of Mines and Minerals and also natural resources. It is seen that in the present case, investigation is pending and charge sheet 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. 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.

6. Under these circumstances, 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-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District and Sessions Judge,
Nagapattinam.

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

3. The Public Prosecutor,
High Court, Madras.

4. The Section Officer,
Criminal Section,
High Court, Madras.

Crl.R.C.No.322 of 2021

VG-II(CO)
CB(20/07/2021)