



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.368 of 2021

Sargunam

...Petitioner

-Vs-

State rep. by
The Inspector of Police,
Manalmedu Police Station,
Manalmedu, Nagapattinam District.

...Respondent

Criminal Revision Case filed under Sections 397 read with Section 451 of Cr.P.C. to set aside the order dated 12.05.2021 made in Crl.M.P.No.1521 of 2021 in Crime.No.155 of 2021 on the file of the learned District and Sessions Judge, Nagapattinam, and to return the vehicle of JOHN DEERE BRAND Tractor with tipper vide Reg.No.TN 82 H 8969 to the petitioner.

For Petitioner : Mr.T.S.Rajamohan

Respondent : Mr.S.Sugendran,
Government Advocate (Crl.Side)

O R D E R

The respondent police registered a case in Cr.No.155 of 2021 for the offence under Section 379, 430 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act for illegal transportation of sand. The petitioner has filed a petition under Section 451 of Cr.P.C. seeking return of vehicle, stating that he is the owner of the vehicle and he never used the vehicle for illegal purpose and the respondent police foisted false case against the petitioner. The learned Magistrate dismissed the petition, against which, present revision has been filed.

2 According to the learned counsel appearing for the petitioner, the petitioner is a owner of vehicle and he used the vehicle only for agricultural purpose. Further, trial may take long time, till then, if the vehicle is kept open to air, sun and rain, it will be severely damaged. Hence, he seeks return of



vehicle.

3 The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that investigation has not yet completed and charge sheet has also not filed and hence the vehicle in question cannot be released at this stage.

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

5 It is seen that in the present case, investigation is pending and charge sheet not yet filed. Further, if the offence is proved, the vehicle in question has to be subjected to confiscation . Further, decision in petition under Section 451 of Cr.P.C is purely discretionary power vested with the Magistrate concerned and this Court is not inclined to interfere with the same, since there is no perversity in the order of dismissal by the trial Court.

6 Hence, this criminal revision case is dismissed.

Sd/-

Assistant Registrar (CCC)

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Sub Assistant Registrar

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To

- 1.The District and Sessions Judge, Nagapattinam.
2. The Inspector of Police, Manalmedu Police Station,
Manalmedu, Nagapattinam District.
3. The Public Prosecutor, High Court of Madras.

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GN(19/07/2021)