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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.361 of 2021

Subash @ Rajan

... Petitioner

..vs..

The State Rep. by,
The Inspector of Police,
Poraiyar Police Station,
Nagapattinam District,
Crime No.831 of 2020.

... Respondent

Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, to set aside the impugned order dated 22.02.2021 in CrI.M.P.No.595 of 2021 by the learned District and Sessions Judge, Nagapattinam.

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 22.02.2021 passed in CrI.M.P.No.595 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.831 of 2020 against him for the offence under Sections 379 and 430 IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the Tipper lorry bearing Registration No.TN 20 AW 6633. During the pendency of the investigation, the petitioner filed a petition



in CrI.M.P.No.595 of 2021 under Section 451 and 457 of Cr.P.C seeking interim custody 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 counsel for the petitioner would submit that the petitioner is the owner of the vehicle and he is in no way connected with the alleged offence. 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.

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

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

6.Admittedly, the respondent/police registered the case in Crime No.831 of 2020 against the petitioner and also seized the vehicle bearing Registration No.TN 20 AW 6633. During the



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pendency of the investigation, the petitioner filed a petition in CrI.M.P.No.595 of 2021 before the learned District and Sessions Judge, Nagapattinam and the same was dismissed on 22.02.2021. 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. 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.

7. 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

//True Copy//
Sub Assistant Registrar

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To

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

Cr1.R.C.No.361 of 2021

RSV (CO)
SU (19/07/2021)