



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.371 of 2021

Ramesh

... Petitioner

..VS..

The State Rep. by,
The Inspector of Police,
Kariyapattinam Police Station,
Nagapattinam District,
Crime No.749 of 2020.

... Respondent

Criminal Revision Case filed under Section 397 & 401 Cr.P.C, to call for the records relating to the order dated 12.02.2021 passed by the learned District and Sessions Judge, Nagapattinam in Crl.M.P.No.513 of 2021 and set aside the same.

For Petitioner : No representation

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

O R D E R

This Criminal Revision Case has been filed against the order dated 12.02.2021 passed in Crl.M.P.No.513 of 2021 by the learned District and Sessions Judge, Nagapattinam.

2.Today, when the matter is taken up for hearing there is no representation for the petitioner.

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

4.The respondent police registered a case in Crime No.749 of 2020 against the petitioner for the offence under Sections 379 IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the Tractor attached with Tipper bearing Registration No.TN55L3007. During the pendency of the investigation, the petitioner filed a petition in Crl.M.P.No.513 of 2021 under Sections 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.

5. It seems that the petitioner is the owner of the vehicle and he is in no way connected with the alleged offence. 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 great hardship and hence, the petitioner seeks for return of the vehicle.

6. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the vehicle had been used for illegal transportation of one unit of sand and thereby, the said vehicle had been seized by the respondent police. He would further 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.

7. Admittedly, the respondent/police registered the case in Crime No.749 of 2020 against the petitioner and also seized the vehicle bearing Registration No. TN55L3007. During the pendency of the investigation, the petitioner filed a petition in Crl.M.P.No.513 of 2021 before the learned District and Sessions Judge, Nagapattinam and the same was dismissed on 12.02.2021. 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.

8. 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 VII)

//True Copy//

Sub Assistant Registrar

ms



To

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

Cr1.R.C.No.371 of 2021

KV (CO)
K.RK. (03.08.2021)