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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.403 OF 2021

Ganesamoorthy

... Petitioner

Vs.

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

... Respondent

(Crime No.779 of 2020)

PRAYER:- Criminal Revision Case filed under 397 r/w 401 of Cr.P.C. to set aside the order passed in Crl.M.P.No.625 of 2021, dated 25.02.2021 on the file of the learned District and Sessions Judge, Nagapattinam.

For Petitioner : Mr.M.Arun

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

O R D E R

The present Criminal Revision Case has been filed against the order dated 25.02.2021, passed by the learned District and Sessions Judge, Nagapattinam in Crl.M.P.No.625 of 2021 dismissing the petition filed under Sections 451 and 457 of Cr.P.C., seeking return of Tipper Lorry bearing registration No.TN-72-P-0698 to the petitioner.

2. The respondent-Police has seized above Tipper Lorry belonging to the petitioner in connection with the case registered in Crime No.779 of 2020 on its file for offence under Sections 379 IPC and 21 (1) of Mines and Minerals (Development and Regulation) Act. Hence, the petitioner has moved Cr.M.P.No.625 of 2021, before the designated Court, viz., the learned District and Sessions Judge, Nagapattinam, seeking



return of the vehicle. Such petition came to be dismissed under orders of the Court below dated 25.02.2021. Hence, this revision.

3. The learned counsel for the petitioner would submit that subject matter of vehicle was not involved in the alleged offence, it is only based on the false information the respondent/police seized the vehicle and that the matter is pending for more than six months. 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 (Crl.Side) appearing for the respondent police would submit that the alleged Tipper Lorry vehicle has been used for illegal transportation of three units of river sand and investigation is still pending and charge sheet not yet filed, and hence, he objects for release of the vehicle.

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

6. 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 case of Mines and Minerals and also natural resources. It is seen that in the present case, investigation is pending and charge sheet also 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. Therefore, the learned 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. In view of the same, 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 III)

//True Copy//

Sub Assistant Registrar

r n s



To

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

CRL.R.C.NO.403 OF 2021

RLD(CO)
PBS/03/08/2021