



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.08.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.No.703 of 2020

Subramanian
S/o, Kuppusamy

...Petitioner/Owner of the Vehicle

Versus

State Rep. By
The Inspector of Police,
Kuthalam Police Station,
Nagapattinam District.

...Respondent/Complainant

PRAYER: Criminal Revision Case filed under Section 397 of the Code of Criminal Procedure, to set aside the order dated 15.07.2020 passed by the District and Sessions Judge, Nagapattinam in Crl.M.P.No.1779 of 2020 in Crime No.955 of 2020 on the file of the Inspector of Police, Kuthalam Police Station, Nagapattinam District and direct to release the tractor attached with trailer, bearing no.TN 51 L 6598 to the petitioner.

For Petitioner : Mr.Milton Arul Rajendran

For Respondent : Mr.S.Sugendran

Government Advocate, (Criminal Side)

ORDER

This Criminal Revision Case has been filed to set aside the order dated 15.07.2020 passed by the District and Sessions Judge, Nagapattinam in Crl.M.P.No.1779 of 2020 in Crime No.955 of 2020 on the file of the Inspector of Police, Kuthalam Police Station, Nagapattinam District and direct to release the tractor attached with trailer, bearing no.TN 51 L 6598 to the petitioner.

2. This Criminal Revision Case has been filed against the order dated 15.07.2020 passed in Crl.M.P.No.1779 of 2020 by the learned District and Sessions Judge, Nagapattinam.

3. According to the petitioner, he is the owner of the vehicle bearing Registration No.TN 51 L 6598 and the same was seized by the respondent police for the offence under Sections 372, 430 I.P.C and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and registered a case in Crime No.955 of 2020. Subsequently, the petitioner filed a



petition under Section 451 and 457 Cr.P.C before the District and Sessions Judge, Nagapattinam seeking return of the vehicle. After due enquiry, the learned Sessions Judge dismissed the petition. Challenging the said order, the petitioner filed the present Criminal Revision Case.

4.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. 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.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the alleged vehicle has been used for illegal transportation of river sand and investigation is still pending and hence, he objects for release of the vehicle.

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

7.Admittedly, the case was registered against the petitioner for illegal transportation of river sand. This Court, again 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. 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 VI)

//True Copy//

Sub Assistant Registrar



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To

1. The District and Sessions Judge,
District and Sessions Court,
Nagapattinam.

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

3. The Public Prosecutor,
High Court,
Madras.

CRL.R.C.No.703 of 2020

SJ(CO)
LS(16/09/2021)