



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.410 of 2021

Thamizhthendral

...Petitioner/Petitioner

-Vs-

State rep. by
The Inspector of Police,
Thiruvenkadu Police Station,
Nagapattinam.
(Crime No.411 of 2020)

...Respondent/Respondent

Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to call for records in Cr.M.P.No.448 of 2021 dated 09.02.2021 on the file of the learned District and Sessions Judge, Nagapattinam, and set aside the same and release the vehicle namely a TATA ACE bearing Registration No.TN 82 V 1598 to the petitioner within the time frame to be stipulated by this Court.

For Petitioner : Mr.D.Saikumaran
Respondent : Mr.S.Sugendran,
Government Advocate (Crl.Side)

O R D E R

The respondent police registered a case in Cr.No.411 of 2020 for the offence under Section 379 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, for illegal transportation of sand. The petitioner has filed a petition under Section 451 of Cr.P.C. seeking return of vehicle and the learned Magistrate dismissed the petition by observing that the offence is serious in nature.

2 According to the learned counsel appearing for the petitioner, the petitioner is a owner of vehicle and 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, during investigation, 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.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

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To

1. The District and Sessions Judge, Nagapattinam.
 2. The Inspector of Police, Thiruvankadu Police Station, Nagapattinam.
 3. The Public Prosecutor, High Court of Madras.
- +1 CC to Mr.D.Saikumaran, Advocate sr 30488.

Cr1.R.C.No.410 of 2021

AK(CO)
SP(27/07/2021)