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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.495 of 2021

MANIKANDAN

... Petitioner / Petitioner

Vs.

The State Rep by its
The Inspector of Police
Muthandikuppam Police Station
Cuddalore District
In Crime No.1039 / 2020

... Respondent / Respondent

Criminal Revision Case filed under Section 397 R/W 401 of Criminal Procedure Code, to set aside the order passed by the learned Principal District Sessions Judge, Cuddalore District, Cuddalore in Criminal Miscellaneous Petition No.1052 of 2021 dated 05.03.2021 and allow the Criminal Revision Petition and subsequently grant custody of vehicle Ashok Leyland Tipper Lorry bearing TN 48 V 6465 to the petitioner.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Mr.S.Vinoth Kumar

for Public Prosecutor

O R D E R

(The case has been heard through video conference)

This Criminal Revision Case has been filed against the order passed by the learned Principal District Sessions Judge, Cuddalore District, in CrI.M.P.No.1052 of 2021 dated 05.03.2021 and subsequently to grant custody of vehicle "Ashok Leyland Tipper Lorry" bearing Regn.No.TN 48 V 6465 to the petitioner.

2.It is the case of the petitioner that the respondent police registered a case in Crime No.1039 of 2020 against the petitioner for the offence under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957 and also seized his vehicle viz., "Ashok Leyland Tipper Lorry" bearing Regn.No.TN 48 V 6465. Therefore, the petitioner



who is the owner of the said vehicle had filed a petition before the Principal District Sessions Judge, Cuddalore District, Cuddalore, under Section 451 Cr.P.C in CrI.M.P.No.1052 of 2021 for return of vehicle and the learned Sessions Judge by order dated 05.03.2021, dismissed the same against which, the present Criminal Revision Case is filed before this Court.

3.The case of the prosecution is that on 28.10.2020 at about 9.45 a.m. when the Sub Inspector of Police, Muthandikuppam Police Station, Cuddalore District along with his police party was patrolling near Marughur Main Road, the petitioner along with other accused was found illegally transporting 2½ units of pebbles by using "Ashok Leyland Tipper Lorry" bearing Regn.No.TN 48 V 6465 without any valid permit from the Government. Hence the case in Crime No.1039 of 2020 was registered and the said vehicle was seized.

4.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 has been purchased under hypothecation and the petitioner has to pay E.M.I. every month for the same. Since, the said vehicle is kept idle in the Police Station, the petitioner's livelihood has been affected and he is unable to make the payment of E.M.I. Further, the vehicle is kept in exposure of sun and rain in a open space which would diminish the value of the vehicle. Hence, he prays for the interim custody of the vehicle.

5.The learned Government Advocate (CrI.Side) appearing for the respondent would submit that the said vehicle has been used for illegal transportation of 2½ units of pebbles. He would further submit that the petitioner had filed a petition before the Principal District and Sessions Judge, Cuddalore District, in CrI.M.P.No.1052 of 2021 for return of vehicle. Since, the vehicle had already involved in same nature of offence in Crime No.1965 of 2020 on the file of the Vridhachalam Police Station, the learned Sessions Judge dismissed the petition by order dated 05.03.2021 and there is no merit in the revision petition. Hence, he would vehemently oppose for return of vehicle.



6.This Court considered the rival submissions and perused the materials available on record.

7. A perusal of the records shows that the vehicle in question was already involved in Crime No.1965 of 2020 for the offence under Sections 379 and 430 IPC on the file of the Vridhachalam Police Station and thereafter, on the petition filed by the petitioner in CrI.M.P.No.2334 of 2020 before the Principal District Sessions Judge, Cuddalore District, the vehicle has been released by order dated 09.01.2021 and after receiving the interim custody of the vehicle, the petitioner has again involved the said vehicle for illegal carrying of 2 ½ units of pebbles and thereby, the present case in Crime No.1039 of 2020 has been registered against the petitioner for the offence under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957 and thereby, the learned Sessions Judge has rightly dismissed the petition filed by the petitioner in CrI.M.P.No.1052 of 2021 seeking interim custody of the vehicle, by order dated 05.03.2021. This Court finds no merit in this case.

8. In view of the above facts and circumstances of the case and also of the fact that the petitioner has repeatedly involved the vehicle for illegal transportation of natural resources. Therefore, this Court is not inclined to allow this revision petition. Accordingly, the Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar (CS-V)

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Sub Assistant Registrar

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To

1.The Principal District Sessions Judge,
Cuddalore District, Cuddalore



2.The Judicial Magistrate,
No.1, Panruti, Cuddalore District.

3.The Inspector of Police
Muthandikuppam Police Station
Cuddalore District

4.The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.495 of 2021

NR(CO)
B.VC (21/09/2021)