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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.No.584 of 2021

Jayabal,
S/o, Thangavel

...Petitioner

Versus

State by
The Inspector of Police,
Kariyapattinam Police Station,
Nagapattinam District.

...Respondent

PRAYER: Criminal Revision Petition filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records of the learned District and Sessions Judge, Nagapattinam, Nagapattinam District and set aside the order passed by the learned District and Sessions Judge, Nagapattinam, Nagapattinam District made in Cr.M.P.No.118 of 2021 dated 11.01.2021 and order return of the abovesaid Tractor bearing Registration No.TN.50Y.1107 concerned in Crime No.702 of 2021 on the file of the Inspector of Police, Kariyapattinam Police Station, Nagapattinam District to the custody of the petitioner herein.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.M.Sugendran

Government Advocate, (Criminal Side)

ORDER

This Criminal Revision Petition has been filed to call for the records and set aside the order dated 11.01.2021 passed in Cr.M.P.No.118 of 2021 on the file of the learned District and Sessions Judge, Nagapattinam, and order return of the Tractor bearing Registration No.TN.50Y.1107 concerned in Crime No.702 of 2020 on the file of the Inspector of Police, Kariyapattinam Police Station, Nagapattinam District to the custody of the petitioner herein.

2. The respondent registered a case against the petitioner in Crime No.702 of 2020, for the offence under section 379 of IPC and section 21(1) of the Mines and Minerals (Development and



Regulation) Act. The allegation against the petitioner is that he alleged to have transported one unit of sand illegally in the vehicle bearing Registration No.TN.50Y.1107. Hence the complaint.

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3. During investigation, the petitioner filed the petition in CrI.M.P.No.118 of 2021 under section 451 & 457 Cr.P.C before the Designated court, Nagapattinam, for interim custody of the abovesaid vehicle. The learned Designated Judge dismissed the petition filed by the petitioner. Aggrieved over the same, the petitioner has filed the present Revision Petition before this Court.

4. The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and he is no way connected with the alleged offence. Therefore, he seeks interim custody of the said vehicle and that the petitioner would abide by stringent conditions, if any, to be imposed on him.

5. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that since the petitioner was alleged to have used the said vehicle for illegal transportation of sand, the vehicle had been recovered and the same is subject to confiscation proceeding and charge sheet also filed. Hence, the vehicle in question cannot be released at this stage.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

7. In order to safeguard the natural resources, illegal transportation of sand cannot be accepted. If the vehicle is released, the same would be used for the similar offence of this nature. The vehicle involved in the offence is subject to confiscation. Therefore, this Court is not inclined to grant interim custody of the vehicle. Under these circumstances, this Court does not find any perversity in the order passed by the learned Designated Judge and there is no merit in the revision and the same is liable to be dismissed.

8. Accordingly, the Criminal Revision Case is dismissed.

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar



To

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

Copy to
The Section Officer
VR Section
High Court, Madras 104.

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GP(CO)
SP(28/10/2021)