



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.09.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN
Criminal Revision Case No.579 of 2021

Sathiyaraj

... Petitioner

Vs.

The State of Tamil Nadu by
The Sub-Inspector of Police
Vikkiramangalam Police Station
(Crime No.480 of 2020)

... Respondent

Criminal Revision Case filed under Section 397 R/W 401 of Criminal Procedure Code, praying to set aside the order dated 06.08.2021 made in Cr.M.P.No.2720 of 2021 on the file of Principal Sessions Judge, Ariyalur and consequently return the vehicle to the petitioner.

For Petitioner : Mr.Kasirajan for
Mr.C.Prabakaran

For Respondent : Mr.J.C.Duraiaraj
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

This Criminal Revision Case has been filed against the order dated 06.08.2021 made in Cr.M.P.No.2720 of 2021 on the file of learned Principal Sessions Judge, Ariyalur and consequently return the vehicle to the petitioner.

2.It is the case of the petitioner that the respondent police registered a case in Crime No.480 of 2020 against the petitioner for the offence under Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957 and Section 379 of IPC and also seized his vehicle viz., "Ashok Leyland Dosth Plusse Light Goods Vehicle" bearing Regn.No.TN 13 K 7005 F R Yellow. Therefore, the petitioner who is the owner of the said vehicle had filed a petition before the Principal Sessions Judge, Ariyalur, in Crl.M.P.No.2720 of 2021 for return of vehicle and the learned Sessions Judge by order dated 06.08.2021, dismissed the same against which, the present Criminal Revision Case is filed before this Court.



3.The case of the prosecution is that on 22.12.2020 at about 13.00 hrs. the petitioner was found illegally transporting 1/2 unit of sand by using Ashok Leyland vehicle bearing Regn.No.TN 13 K 7005 F R Yellow, without any valid permit from the Government. Hence the case in Crime No.480 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 no way connected with the alleged offence. He would further submit that the vehicle has been 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 (Crl.Side) appearing for the respondent would submit that the said vehicle has been used for illegal transportation of 1/2 unit of sand. He would further submit that the petitioner had filed a petition before the Principal Sessions Judge, Ariyalur, in Cr.M.P.No.2720 of 2021 for return of vehicle. Since, the petitioner had already involved in the same nature of offence in Crime No.132 of 2018 on the file of the respondent Police Station, the learned Sessions Judge dismissed the petition by order dated 06.08.2021 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. 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 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.

8. A perusal of the records shows that the petitioner is already involved in Crime No.132 of 2018 for the same nature of offence and considering the grave in nature of offence, the learned Sessions Judge has rightly dismissed the petition filed by the petitioner seeking for interim custody of the vehicle and this Court does not find any perversity in the order passed by the Court below.

9. In view of the above facts and circumstances of the case and also of the fact that the petitioner has repeatedly involved in illegal transportation of natural resources, this



Court is not inclined to allow this revision petition.
Accordingly, the Criminal Revision Case is dismissed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Sessions Judge,
Ariyalur

2.The Sub-Inspector of Police
Vikkiramangalam Police Station

3.The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.579 of 2021

A.SK(08.11.2021)