

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case Nos.1131, 1151 and 1155 of 2020

Arunachalam ... Petitioner
in CrI.R.C.No.1131 of 2020

Varatharajan ... Petitioner
in CrI.R.C.No.1151 of 2020

Sadayan ... Petitioner
in CrI.R.C.No.1155 of 2020

...vs...

The Station House Officer,
Kallakurichi Police Station,
Kallakurichi,
Crime Nos.2426, 2427 &
2425 of 2020. ... Respondent
in all CrI.R.Cs

Criminal Revision Cases filed under Section 397 read with
401 Cr.P.C, to set aside the order dated 24.11.2020 passed in
C.M.P.Nos.1091, 1090 and 1098 of 2020 passed by the learned
Judicial Magistrate I, Kallakurichi and to direct the
respondent to return the petitioners' Tipper Lorries bearing
Nos.TN 55 Z 6898, TN 42 AY 3756 and TN 47 AH 9697 to their
custody.

For Petitioners: Mr.R.Agilesh
in all CrI.R.Cs

For Respondent : Mr.K.Madhan
Government Advocate (CrI.Side)
in all CrI.R.Cs

C O M M O N O R D E R

This Court, by order dated 17.12.2020 directed the
respondent/ police to file a compliance report before this
Court on 27.01.2021. When the matter was taken up for hearing
on 27.01.2021, the compliance report has not been filed and
hence, this Court directed the Station House Officer,
Kallakurichi Police Station, Kallakurichi to appear before
this Court on 01.02.2021. On 01.02.2021, the respondent/police
has appeared and submitted the compliance report and his
personal appearance was dispensed with.

2. Paragraph No.8 of the compliance reports reads as follows :

'' 8. It is submitted that during the scrutinisation of the documents, the permit is found that it was issued on 2.11.2020 and period is valid till 18.11.2020. However, there is a seal found in the permit dated 6.11.2020. In order to get clarification about the date of 6.11.2020, I requested concern Issuing Authority namely Assistant Director, I/c.Geology & Mining, Kallakurichi about the permission for the vehicle bearing Regn.Nos.TN-55-Z-6898, TN 42 A7 3756 and TN 47 AH 9697. As per the reply of the said official, in the said Form Appendix-XII, the petitioner, owner of the Tipper Lorry has manipulated the Column-9 and 11 that the period of permission from 2.11.2020 to 18.11.2020, whereas the permit itself was issued on 6.11.2020. On that basis, the concern penal provision for the fabrication of the dates in the permit is to be added in this case against the petitioner.''

3. In the light of the above facts, this Court finds that the petitioners manipulated the column Nos. 9 and 11. Therefore, the respondent/police is directed to register the case against the petitioners and investigate the matter in accordance with law.

4. A case was registered against the petitioners under Section 379 IPC and since the offence involved in these cases are under Mines and Minerals Act, the vehicles are liable to be confiscated. Under such circumstances, the release of the vehicles during investigation is purely the discretionary power of the Court. Therefore, the learned Judge while exercising the discretionary jurisdiction has dismissed the petitions filed by the petitioners. This Court, while exercising the revisional jurisdiction cannot conduct roving enquiry at this stage.

5. In view of the same, this Court does not find any perversity in the order passed by the designated Court viz., Judicial Magistrate-I, Kallakurichi. There is no infirmity or illegality in the order passed by the Court below. Under such circumstances, these revisions are liable to be dismissed. Accordingly these revisions are dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

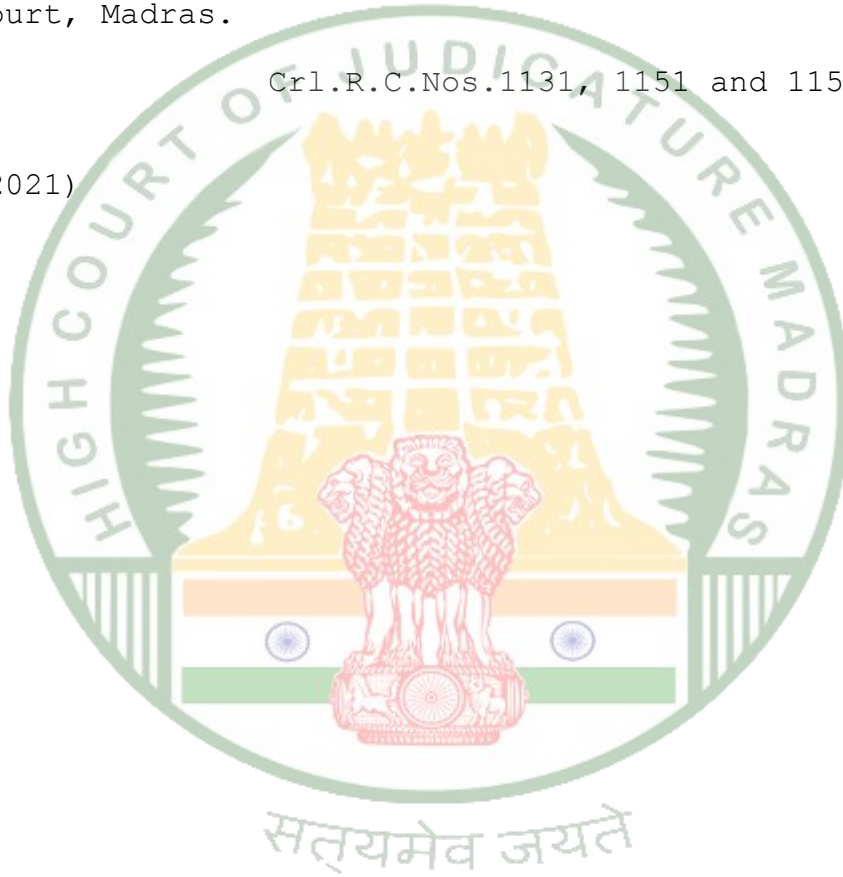
1.The Judicial Magistrate-I,
Kallakurichi.
(Crime No.2426, 2427 & 2425 of 2020)

2.The Station House Officer,
Kallakurichi Police Station,
Kallakurichi.

3.The Public Prosecutor,
High Court, Madras.

CrI.R.C.Nos.1131, 1151 and 1155 of 2020

NRL (CO)
CB(01/03/2021)



WEB COPY