



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM:

THE HON'BLE MR. JUSTICE P.VELMURUGAN

CRIMINAL REVISION CASE NO.622 OF 2021

Rajasekar

...Petitioner

Versus

State Rep.by
Inspector of Police,
CSCID Thiruvallur Police Station,
Thiruvallur District.
(Crime No.201 of 2021)

...Respondent

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code to set aside the order dated 13.09.2021 made in CrI.M.P.No.4929 of 2021 on the file of Judicial Magistrate I, Thiruvallur, Thiruvallur District, dismissing the petition to return of the vehicle Ashok Leyland (Lorry) bearing Regn.No.TN-20-AK-2678 to the petitioner herein.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.S.Sugendran
Government Advocate (CrI.Side)

O R D E R

This Criminal Revision Case has been filed against the order dated 13.09.2021 made in CrI.M.P.No.4929 of 2021 by the learned Judicial Magistrate I, Thiruvallur, Thiruvallur District.

2.The case of the prosecution is that on 26.07.2021, the respondent police intercepted the petitioner's vehicle and on suspicion, they searched the vehicle and found 13,900 kg PDS Rice, 300 kg Wheat, 800 kg Sugar, 1100 kg Palm Oil and 1200 Ponvandu Soap. Hence, the respondent police registered a case in Crime No.201 of 2021 against the petitioner for the offence punishable under Section 6(4) of TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955 and seized the vehicle viz., Ashok Leyland (Lorry) bearing Regn.No.TN-20-AK-2678. Subsequently, the petitioner filed a petition under Section 451 and 457 Cr.P.C in CrI.M.P.No.4929 of 2021 seeking interim custody of the vehicle. The learned Judicial Magistrate No.I, Tiruvallur by an order dated



13.09.2021 dismissed the petition, against which, the present Criminal Revision Case is filed before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and also perused the materials available on record.

4. Admittedly, as per Essential Commodities Act, if the vehicle is involved in illegal transportation of essential commodities, it is liable to be confiscated. Since the poor people are unable to get rice and other essential commodities, the Government is providing the same through Public Distribution System. Therefore, illegal transportation of PDS commodities is an offence which is not tolerable one. Even people who are affordable are not helping the poor, but they prevent in reaching such commodities to the poor thereby affecting the welfare activity of the Government.

5. Under these circumstances, this Court is of the considered view that this type of offence should be dealt with very seriously. The trial Court already dismissed the petition, since confiscation proceedings were initiated.

6. Considering the serious nature of the offence, this Court does not find any perversity in the order passed by the Court below and the same is liable to be dismissed. Accordingly, the Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

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To

1. The Judicial Magistrate I,
Thiruvallur, Thiruvallur District.

2. The Inspector of Police,
CSCID Thiruvallur Police Station,
Thiruvallur District.

3. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.622 of 2021

GPL(CO)
RVM(02/11/2021)