

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1260 of 2020

Thennarasu

... Petitioner

...vs...

The State Rep by
The Inspector of Police,
Poraiyar Police Station,
Nagapattinam District.
(Crime No.753 of 2020)

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to call for the records in CrI.M.P.No.2525 of 2020 on the file of the District and Sessions Judge, Nagapattinam dated 25.09.2020 and set aside the same subsequently grant interim custody of vehicle Tipper Lorry bearing registration No.TN 51 F 8223.

For Petitioner : Mr.N.Chinnaraj

For Respondent : Mr.A.Madhan
Government Advocate (CrI.Side)

O R D E R

सत्यमेव जयते

This Criminal Revision Case has been filed against the order dated 25.09.2020 passed in CrI.M.P.No.2525 of 2020, on the file of the learned District and Sessions Judge, Nagapattinam, rejecting the application filed by the petitioner herein under Sections 451 and 457 Cr.P.C., seeking return of vehicle bearing No.TN 51 F 8223, which was involved in the offence under Sections 379 and 430 of IPC R/W Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957.

2. According to the learned counsel for the petitioner, the petitioner is the owner of the vehicle Tipper Lorry and he used the same only for agricultural purpose and not for any illegal transportation of sand as stated by the prosecution. Hence, he seeks return of the vehicle.

3.The learned Government Advocate (CrI.Side) appearing for the respondent police would submit that investigation has not yet been completed and charge sheet has also not been filed and hence the vehicle in question cannot be released at this stage.

4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.It is seen that in the present case, investigation is pending and charge sheet has not yet been filed. This Court time and again gave a direction that stringent action should be taken in the case of theft of sand. Hence, at this stage, this Court is not inclined to grant the relief sought for by the petitioner in this Criminal Revision Case.

6.Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The District and Sessions Judge,
Nagapattinam.

2.The Inspector of Police,
Poraiyar Police Station,
Nagapattinam District.

3.The Public Prosecutor,
High Court, Madras.

VD(CO)
SM/08/02/2021

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CrI. R.C. No.1260 of 2020