

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1280 of 2020

M.Vadivel
S/o.Murugan

... Petitioner

.Vs.

The State rep.by
Forest Range Officer,
Sathanoor Dam FRO,
Tiruvannamalai District.
W.O.R.L.No.4/2020

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397 r/w. 401 of Cr.P.C. to call for the records in Crl.M.P.No.647 of 2020 in W.O.R.L.No.4/2020, on the file of the Judicial Magistrate, Chengam, Tiruvannamalai District to set aside the same and to issue a direction to the respondent to grant interim custody of Hero Honda Splendour Plus Drum vehicle bearing Registration number is TN83A5863 in connection with W.O.R.L.No.4 of 2020 and C.P.No.32 of 2020 to the petitioner.

For Petitioner : Mr.P.S.Kothandaram

For Respondent : Mr.A.Madhan

Government Advocate (Crl.Side)

O R D E R

The case was registered against the petitioner for the offence punishable under Sections 21 (d), (h) of Tamil Nadu Forest Act, 1882, and Section 51 of Wild Life Protection Act, 1972 and Section 25(1) (a), (b) of Arms Act in W.O.R.L.No.4 of 2020.

2. During the investigation, the vehicle was seized and kept under custody of the respondent. During the pendency of the investigation, the petitioner filed an application before the learned Judicial Magistrate, Chengam, Tiruvannamalai District under Section 451 Cr.P.C. to return the vehicle. The learned Magistrate after giving opportunity to the petitioner dismissed the petition. Challenging the same, the petitioner is before this Court by way of this revision.

3. Learned counsel for the petitioner would submit that he

is not involved in any offence and also the vehicle has wrongly been seized and the vehicle is kept in the open space and there is possibility of deterioration and any condition may be imposed subject to which the vehicle may be returned and as and when necessary he is ready to produce the vehicle.

4. Heard and perused the records.

5. Learned Government Advocate (Crl.Side) would submit that investigation is in preliminary stage and charge sheet not yet filed. The order passed by the Magistrate does not warrant interference.

6. Admittedly, the case was registered against the petitioner for offence punishable under Sections 21 (d), (h) of Tamil Nadu Forest Act, 1882, and Section 51 of Wild Life Protection Act, 1972 and Section 25(1)(a), (b) of Arms Act in W.O.R.L.No.4 of 2020 and during the investigation, they also seized the vehicle and the petitioner filed the petition. Since the investigation is in preliminary stage and charge sheet is not yet filed. During the investigation, the release of the vehicle is purely discretionary power of the Court. Considering the serious nature of the allegation, this Court is not inclined to grant the relief sought for by the petitioner.

7. Accordingly, this Criminal Revision Petition is dismissed. However, the petitioner is at liberty to move the trial Court after filing of charge sheet.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Forest Range Officer,
Sathanoor Dam FRO,
Tirvannamalai District.
2. The Judicial Magistrate,
Chengam, Tiruvannamalai District.

+lcc to Mr.P.S.Kothandaraman, Advocate, S.R.No.413

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rr ii (27/01/2021)