



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2021

CORAM:

THE HON'BLE MR JUSTICE R.PONGIAPPAN

Crl.RC(MD)No.714 of 2021

WEB COPY

Ajithkumar : Petitioner/Petitioner/
Owner of the Vehicle
Vs.

1.State represented by
Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.

4.The Tahsildar,
Taluk Office,
Ramanathapuram.

: Respondents/Respondents/Complainants

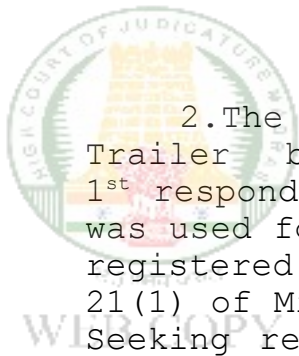
(R2 to R4 herein were called absent
before the trial court, hence, notice
may be given up)

Prayer: Criminal Revision is filed under section 397 r/w 401 of the Criminal Procedure Code, against the order passed by the learned Principal Sessions Judge, Ramanathapuram, dated 03.09.2021 in Crl.MP No.1632 of 2021.

For Petitioner : Mr.D.Ramesh Kumar
For Respondents : Mr.M.Muthumanikkam
Counsel for Government of
Tamil Nadu (Criminal side)

O R D E R

The present criminal revision case has been filed to call for the records pertaining to the order passed in Crl.MP No.1632 of 2021, dated 03.09.2021 on the file of the learned Principal Sessions Judge, Ramanathapuram, and to set aside the same by handing over the petition mentioned vehicle to the petitioner under interim custody.



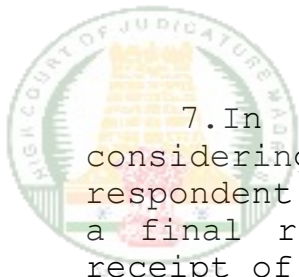
2.The petitioner claims to be the owner of the Tractor and Trailer bearing Registration No.TN-65-AK-2745. On 10.05.2021, the 1st respondent police seized the above vehicle on the ground that it was used for committing the offence of transporting illegal sand and registered a case in Crime No.164 of 2021 under section 379 IPC and 21(1) of Mines and Minerals (Development and Regulations) Act, 1957. Seeking return of the said vehicle, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P No.1632 of 2021 for release of the vehicle. The learned Judge has dismissed the petition filed by the petitioner, by its order, dated 03.09.2021. Aggrieved over the same, this petitioner is before this court by way of filing this criminal revision case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a sole breadwinner of the family and the petition mentioned vehicle sought to be returned is the only source of income to his family. He would further submit that if the vehicle is parked without any use, the colour and the condition of the above vehicle will be lost due to weather and the above said vehicle is exposed by the elements and has been subjected to damage. Accordingly, he prays for return of the vehicle to him for interim custody.

4.Per contra, the learned Government Advocate (Criminal side) appearing for the respondents would content that at the relevant point of time, the petition mentioned vehicle was seized for transportation of illegal sand. Further, by using the same, the petitioner herein had committed the same offence, wherein also the present vehicle was seized by the respondent police and thereafter, the said vehicle was handed over to the petitioner for interim custody. According to him, after violating the condition imposed earlier, the petitioner again used the petition mentioned vehicle for transportation of illegal sand and prays that the relief sought for by the petitioner cannot be granted.

5.Heard the rival submissions made on either side and perused the materials available on record.

6.In the impugned order, dated 03.09.2021, the learned Principal Sessions Judge, Ramanathapuram, has categorically mentioned the date on which the earlier case was registered against this petitioner and about the conditional order imposed at the time of releasing the vehicle in the first instance. In otherwise, after violating the undertaking given by the petitioner, in the earlier occasion, he committed the same offence. Therefore, considering the nature of the offence committed by the petitioner, being the reason that the offence committed by the accused against the environment, this court is not inclined to allow this revision.



7. In fine, this criminal revision is **dismissed**. However, considering the facts and circumstances of this case, the 1st respondent police is directed to complete the investigation and file a final report within a period of two months from the date of receipt of a copy of this order.

WEB COPY

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

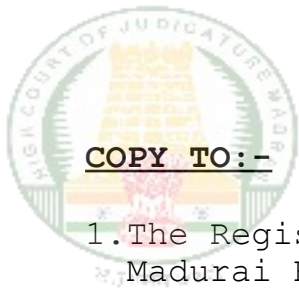
Sub Assistant Registrar(CS)

er

Note:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To,

1. The Principal Sessions Judge,
Ramanathapuram.
2. The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
3. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
4. The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
5. The Tahsildar,
Taluk Officer,
Ramanathapuram.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



COPY TO:-

1.The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai. (2 Copies)

**Crl.RC(MD)No.714 of 2021
25.10.2021**

DKS (CO)
GC/JC(11.11.2021) 4P 10C